

GENERAL ASSEMBLY ACTION

Regular Session 1998

A Staff Summary of Legislative Enactments

Informational Bulletin No. 200

Legislative Research Commission
Frankfort, Kentucky
May, 1998

FOREWORD

The 1998 Regular Session of the General Assembly convened Tuesday, January 6, 1998, and adjourned sine die Wednesday, April 15, 1998, having met for 60 legislative days. During this session, 1,369 bills and 364 resolutions were introduced, including 445 Senate bills and 924 House bills.

Of the bills introduced, 160 Senate bills and 392 House bills passed both chambers and were delivered to the Governor. The Governor vetoed four bills -- one Senate bill (SB 145) and three House bills (HB 85, HB 499, and two parts of HB 321). The Governor's veto was overridden on HB 85.

In addition, two House bills (HB 229 and HB 246) proposing constitutional amendments were enacted and transmitted directly to the Secretary of State. Therefore, a total of 159 Senate bills and 391 House bills became law.

The Governor also received 65 joint and concurrent resolutions.

This informational bulletin summarizes the bills and resolutions which were delivered to the Governor and the Secretary of State. It has been prepared by the staff of the Legislative Research Commission.

DON CETRULO
Director

The Capitol
Frankfort, Kentucky
May, 1998

1998 REGULAR SESSION

BILL NUMBER TO ACTS CHAPTER TABLE

Bill	Chapter	Bill	Chapter	Bill	Chapter	Bill	Chapter
HB 1	22	HB 127	506	HB 259	109	HB 357	87
HB 2	294	HB 128	505	HB 263	232	HB 358	146
HB 3	423	HB 129	100	HB 264	31	HB 359	112
HB 4	71	HB 130	417	HB 265	15	HB 360	88
HB 6	4	HB 131	302	HB 266	500	HB 361	113
HB 13	258	HB 132	426	HB 267	411	HB 362	145
HB 15	98	HB 135	28	HB 271	429	HB 363	114
HB 17	179	HB 137	17	HB 272	602	HB 364	50
HB 27	220	HB 141	266	HB 273	603	HB 365	89
HB 28	5	HB 142	57	HB 274	430	HB 366	115
HB 31	126	HB 145	174	HB 275	431	HB 369	404
HB 36	246	HB 151	416	HB 279	410	HB 370	102
HB 37	122	HB 154	78	HB 280	499	HB 371	318
HB 38	75	HB 156	79	HB 282	498	HB 372	287
HB 39	422	HB 159	101	HB 284	81	HB 375	116
HB 45	264	HB 160	504	HB 285	497	HB 377	490
HB 48	597	HB 161	255	HB 286	235	HB 380	476
HB 49	511	HB 165	415	HB 287	38	HB 382	170
HB 50	178	HB 166	267	HB 289	215	HB 383	39
HB 51	223	HB 168	231	HB 299	124	HB 387	134
HB 52	510	HB 170	1	HB 305	240	HB 390	103
HB 53	598	HB 171	46	HB 306	241	HB 391	319
HB 54	8	HB 172	30	HB 307	317	HB 392	92
HB 56	25	HB 175	80	HB 308	111	HB 393	605
HB 58	35	HB 176	3	HB 309	207	HB 394	168
HB 60	421	HB 185	107	HB 311	128	HB 396	206
HB 61	420	HB 187	503	HB 312	409	HB 397	238
HB 62	243	HB 188	293	HB 313	408	HB 399	165
HB 63	599	HB 189	308	HB 314	407	HB 401	213
HB 64	2	HB 190	173	HB 315	496	HB 402	212
HB 65	509	HB 195	47	HB 317	495	HB 405	117
HB 67	6	HB 198	72	HB 318	494	HB 406	205
HB 74	600	HB 199	55	HB 319	432	HB 407	316
HB 75	76	HB 200	502	HB 320	604	HB 409	94
HB 78	428	HB 201	36	HB 321	615	HB 410	221
HB 81	419	HB 202	37	HB 325	406	HB 412	90
HB 83	418	HB 205	152	HB 328	314	HB 414	403
HB 85	614	HB 206	414	HB 330	493	HB 415	99
HB 86	127	HB 211	413	HB 332	492	HB 417	204
HB 87	9	HB 212	73	HB 333	310	HB 418	489
HB 90	508	HB 215	108	HB 336	269	HB 419	402
HB 92	309	HB 218	91	HB 337	491	HB 422	56
HB 97	177	HB 226	601	HB 338	405	HB 423	488
HB 99	54	HB 229	227	HB 340	82	HB 426	270
HB 100	176	HB 230	501	HB 341	48	HB 427	118
HB 104	77	HB 231	172	HB 342	93	HB 429	312
HB 106	21	HB 233	171	HB 343	83	HB 430	401
HB 109	26	HB 234	105	HB 344	133	HB 431	306
HB 110	27	HB 237	219	HB 345	49	HB 432	210
HB 112	20	HB 245	33	HB 346	151	HB 433	125
HB 115	301	HB 246	211	HB 347	84	HB 434	236
HB 121	507	HB 248	16	HB 348	85	HB 438	487
HB 122	265	HB 249	247	HB 350	150	HB 439	203
HB 126	175	HB 250	300	HB 351	149	HB 440	141
		HB 253	412	HB 352	110	HB 444	400
		HB 256	7	HB 354	148	HB 445	119
		HB 257	268	HB 355	147	HB 446	399
		HB 258	208	HB 356	86	HB 447	433

Bill	Chapter	Bill	Chapter	Bill	Chapter	Bill	Chapter				
HB	448	315	HB	591	384	HB	740	543	HJR	58	51
HB	449	398	HB	592	383	HB	742	361	HJR	60	298
HB	451	144	HB	593	382	HB	746	446	HJR	61	305
HB	452	202	HB	596	381	HB	753	360	HJR	63	191
HB	453	226	HB	598	311	HB	754	447	HJR	72	143
HB	454	397	HB	602	193	HB	756	544	HJR	75	277
HB	455	606	HB	603	380	HB	757	248	HJR	89	348
HB	457	271	HB	608	525	HB	765	359	HJR	92	613
HB	459	135	HB	609	121	HB	769	358	HJR	95	347
HB	460	486	HB	610	379	HB	771	357	HJR	98	458
HB	468	607	HB	611	437	HB	776	356	HJR	109	459
HB	469	254	HB	612	526	HB	779	257	HJR	115	461
HB	470	120	HB	614	378	HB	780	355	HJR	116	462
HB	471	608	HB	617	527	HB	782	448	HJR	118	463
HB	475	485	HB	618	438	HB	783	354	HJR	121	346
HB	476	95	HB	621	424	HB	785	545	SB	1	10
HB	477	201	HB	623	273	HB	786	546	SB	5	132
HB	484	434	HB	624	104	HB	789	353	SB	11	574
HB	486	199	HB	625	439	HB	801	352	SB	13	244
HB	488	169	HB	626	440	HB	810	610	SB	17	29
HB	490	272	HB	629	528	HB	813	351	SB	18	570
HB	493	200	HB	630	441	HB	815	547	SB	19	550
HB	495	484	HB	632	214	HB	853	350	SB	20	52
HB	496	483	HB	634	377	HB	864	427	SB	21	575
HB	498	222	HB	635	307	HB	880	449	SB	22	19
HB	503	396	HB	636	529	HB	900	611	SB	28	228
HB	505	216	HB	638	376	HB	911	349	SB	31	343
HB	510	512	HB	639	375	HCR	7	450	SB	33	576
HB	511	513	HB	640	374	HCR	8	140	SB	34	342
HB	514	198	HB	641	530	HCR	9	40	SB	36	249
HB	515	197	HB	643	373	HCR	10	41	SB	37	11
HB	516	196	HB	644	372	HCR	11	612	SB	41	551
HB	517	188	HB	645	192	HCR	12	139	SB	42	187
HB	518	395	HB	646	371	HCR	14	548	SB	43	299
HB	519	514	HB	648	233	HCR	15	451	SB	44	186
HB	526	217	HB	649	531	HCR	16	452	SB	45	340
HB	527	394	HB	650	442	HCR	17	453	SB	53	577
HB	528	393	HB	651	234	HCR	18	454	SB	54	185
HB	529	392	HB	652	370	HCR	20	455	SB	55	567
HB	531	163	HB	654	274	HCR	21	138	SB	58	339
HB	532	515	HB	655	532	HCR	22	137	SB	59	296
HB	536	609	HB	656	166	HCR	23	136	SB	61	338
HB	537	224	HB	658	369	HCR	24	162	SB	63	106
HB	539	516	HB	659	368	HCR	25	161	SB	65	552
HB	542	96	HB	666	341	HCR	26	160	SB	68	297
HB	544	517	HB	668	367	HCR	27	159	SB	70	295
HB	545	218	HB	670	533	HCR	28	158	SB	72	278
HB	547	391	HB	671	534	HCR	29	157	SB	74	337
HB	548	195	HB	673	535	HCR	30	156	SB	75	184
HB	549	194	HB	675	536	HCR	32	42	SB	76	336
HB	550	518	HB	679	189	HCR	41	155	SB	77	279
HB	551	519	HB	680	366	HCR	45	43	SB	78	291
HB	552	435	HB	684	537	HCR	46	44	SB	83	303
HB	554	520	HB	689	538	HCR	59	190	SB	85	131
HB	559	390	HB	690	443	HCR	77	276	SB	88	280
HB	560	521	HB	696	365	HCR	94	456	SB	92	553
HB	562	389	HB	697	364	HCR	97	457	SB	93	32
HB	564	313	HB	703	259	HCR	113	460	SB	101	130
HB	565	522	HB	704	539	HCR	114	549	SB	102	290
HB	566	237	HB	708	363	HCR	119	464	SB	103	335
HB	568	209	HB	714	362	HCR	125	345	SB	105	129
HB	572	388	HB	716	445	HCR	126	344	SB	106	289
HB	577	387	HB	717	275	HJR	2	97	SB	114	332
HB	582	523	HB	724	444	HJR	33	14	SB	119	568
HB	583	524	HB	727	540	HJR	34	573	SB	120	245
HB	587	386	HB	732	425	HJR	35	571	SB	121	578
HB	588	385	HB	736	541	HJR	36	572	SB	122	288
HB	590	436	HB	739	542	HJR	53	74	SB	123	334

Bill	Chapter	Bill	Chapter		
SB	126	183	SB	276	286
SB	128	253	SB	277	558
SB	133	465	SB	288	328
SB	135	281	SB	295	251
SB	136	182	SB	296	167
SB	139	154	SB	300	470
SB	141	153	SB	303	590
SB	142	123	SB	304	471
SB	146	477	SB	307	479
SB	147	282	SB	309	591
SB	148	13	SB	311	478
SB	149	58	SB	313	480
SB	150	59	SB	318	481
SB	151	333	SB	320	262
SB	152	60	SB	326	592
SB	153	61	SB	328	559
SB	154	12	SB	336	327
SB	155	45	SB	337	326
SB	156	62	SB	339	560
SB	158	63	SB	343	472
SB	159	466	SB	351	561
SB	160	283	SB	352	292
SB	161	304	SB	353	473
SB	162	64	SB	354	263
SB	164	284	SB	355	325
SB	165	142	SB	357	474
SB	167	331	SB	360	475
SB	168	467	SB	364	562
SB	169	53	SB	373	563
SB	171	252	SB	374	593
SB	172	23	SB	376	564
SB	173	65	SB	380	594
SB	174	66	SB	390	324
SB	175	67	SB	392	242
SB	176	68	SB	395	565
SB	177	579	SB	396	595
SB	178	69	SB	399	566
SB	182	164	SB	438	323
SB	186	580	SCR	2	34
SB	187	24	SCR	3	18
SB	190	70	SCR	88	180
SB	197	468	SCR	95	569
SB	198	260	SCR	126	596
SB	199	581	SCR	131	320
SB	202	256			
SB	205	250	SJR	76	322
SB	207	225	SJR	87	321
SB	208	554	SJR	118	482
SB	211	181			
SB	214	555			
SB	217	582			
SB	221	583			
SB	224	584			
SB	227	585			
SB	228	556			
SB	230	330			
SB	242	469			
SB	247	586			
SB	248	587			
SB	250	261			
SB	253	230			
SB	257	557			
SB	259	329			
SB	261	285			
SB	263	588			
SB	264	239			
SB	265	589			
SB	269	229			

SENATE BILLS

SB 1

AN ACT relating to planning and zoning in counties containing a city of the first class.

Creates new sections of KRS 100 to permit planning and zoning commissions in counties containing a city of the first class to issue remedial orders and impose civil fines for the strengthening of binding elements in land use development plans; permits the local government to enforce binding elements as a civil offense within certain limitations; prescribes the administrative limitations for a planning commission which has been given the authority to enforce binding elements; permits land use enforcement officers to issue warning notices and citations as prescribed and requires persons cited to respond within 14 days; outlines the procedures for hearings before the planning commission; requires appeals from the planning commission to go before the District Court then Circuit Court in which the planning commission is located; establishes a lien in favor of the planning commission for fines levied by the court as a result of the enforcement of binding elements; permits a local government to take immediate action to enforce binding elements if there is a threat to the public health, safety and welfare of the community or if the absence of immediate action could cause irreparable or irreversible; and cites bill as "Binding Element Enforcement Act".

SB 5

AN ACT relating to the Kentucky Higher Educational Savings Plan Trust and declaring an emergency.

Amends KRS 164A.300, KRS 164A.310, and KRS 164A.335, and other sections of KRS Chapter 164A relating to the Kentucky Educational Savings Plan Trust, to comply with the federal tax law, Public Law 104-188, to allow tax-deferred federal credits for participants; repeals KRS 164A.345; EMERGENCY.

SB 11

AN ACT relating to higher education employees.

Requests the faculty and administration of each public postsecondary education institution to continue developing a comprehensive periodic post-tenure review system; encourages the Council on Postsecondary Education to review the status of these initiatives and report its findings to the Interim Joint Committee on Education no later than October 1, 1999.

SB 13

AN ACT relating to law enforcement and fire protection.

Amends various sections of KRS Chapters 15 and 95A to add sheriffs, deputy sheriffs, including those providing courtroom security, and state university police to the provisions of the Kentucky Law Enforcement Program fund while ensuring that sheriffs retain their constitutional salary limits; increases all payments to qualified police and professional firefighters, in the Firefighters Foundation Program fund to \$2,750 per year through July 1, 1999, and thereafter increases it to \$3,000 per year; increases payments to qualified volunteer fire departments to \$6,500 through July 1, 1999 and then \$7,500 thereafter; eliminates any lapsing function of the fund to the general fund of Kentucky after July 1, 1999; creates new sections of KRS Chapter 70.260 to 70.273 to define how deputy sheriff merit board rules are

to be posted, and what the minimum composition of the rules are to be; requires merit boards to have a qualified person, who is not subject to the sheriff's department, design and give tests for merit positions; establishes a set percentage of what the tests, oral and written, are to comprise, and provides privacy for the reporting of the scores, as well as protocol for the sheriffs in promoting those persons who take the tests.

SB 17

AN ACT relating to sales and use tax exemptions.

Amends KRS 139.480 to exempt from the sales and use tax gasoline, special fuels, and liquefied petroleum gas used "exclusively and directly" to operate farm machinery, on-farm grain and soybean facilities, on-farm poultry or livestock facilities, on-farm ratite facilities, on-farm llama and alpaca facilities, and on-farm dairy facilities; deletes the sunset clause ending the exemption for embryos and semen and llamas and alpacas.

SB 18

AN ACT relating to sewage disposal systems.

Amends KRS 211.015 to require a person requesting an electrical power hookup to first provide to an electrical inspector notice that an application has been made for an on-site sewage system site evaluation from a local health department; exempts from the requirements of the Act counties that have adopted the state building code and enforces on-site sewage disposal permitting; amends KRS 224.50-760 to state that the processing of sludge by composting is an industrial process; requires public notice of applying for a composting permit; excludes local governments from the amendment of KRS 224.50-760.

SB 19

AN ACT relating to income taxation.

Amends KRS 141.010 to exclude any amounts paid for long-term care insurance, effective for taxable years beginning after December 31, 1997; excludes any capital gains income attributable to property taken by eminent domain from the income tax.

SB 20

AN ACT relating to instruction permits and declaring an emergency.

Amends KRS 186.412 and KRS 186.450 to reduce from 180 days to 30 days the minimum amount of time a person over 21 must have an instruction permit before that person can apply for an operator's license and allows a person who is not a United States citizen to use forms issued by the US Department of Immigration when applying for an operator's license or non-driver identification card.

SB 21

AN ACT relating to postsecondary education funding and making an appropriation.

Creates various new sections of KRS Chapter 164 to establish the Commonwealth Merit Scholarship Trust Fund; provides that the council shall commit to each eligible student enrolling in a Kentucky high school after July 1, 1998, in which the eligible student attains a grade point average between 2.5 and 4.0 for each academic year a Commonwealth Merit Scholarship as follows:

GPA	Amount	GPA	Amount
2.50	\$125.00	3.30	\$325.00
2.60	\$150.00	3.40	\$350.00
2.70	\$175.00	3.50	\$375.00
2.75	\$187.50	3.60	\$400.00
2.80	\$200.00	3.70	\$425.00
2.90	\$225.00	3.75	\$437.50
3.00	\$250.00	3.80	\$450.00
3.10	\$275.00	3.90	\$475.00
3.20	\$300.00	4.00	\$500.00
3.25	\$312.50;		

provides that the council shall review the base amount of the Commonwealth merit scholarship beginning with the 1999-2000 academic year and may make adjustments after considering the availability of funds; provides that the council shall commit to each eligible student upon graduation from high school before June 30, 1999, and achieving a score of at least 15 on the ACT a supplemental award based on the eligible student's highest ACT score attained by the year of graduation from high school as follows:

ACT Score	Amount	ACT Score	Amount
15	\$21	22	\$171
16	\$43	23	\$193
17	\$64	24	\$214
18	\$86	25	\$236
19	\$107	26	\$257
20	\$129	27	\$279
21	\$150	28 and above	\$300;

provides that the council shall commit to each eligible student upon achievement after June 30, 1999, a supplemental award based on the eligible student's highest ACT score attained by the year of graduation from high school as follows:

ACT Score	Amount	ACT Score	Amount
15	\$36	22	\$286
16	\$71	23	\$321
17	\$107	24	\$357
18	\$143	25	\$393
19	\$179	26	\$428
20	\$214	27	\$464
21	\$250	28 and above	\$500;

provides that the council shall review the base amount of the supplemental award beginning with the 2001-2002 academic year and may make adjustments after considering the availability of funds; provides that the maximum Commonwealth merit scholarship and the supplemental award is for eight (8) academic terms in an undergraduate or other post secondary program of study at a participating institution for a four (4) year program and ten (10) academic terms for a five (5) year program; provides that the Commonwealth merit scholarship or supplemental award shall terminate upon the sooner of the expiration of five (5) years following the student's graduation from high school or the successful completion of a four (4) year undergraduate or other post secondary course of study or six (6) years for a five (5) year program; provides that an eligible student must have a 2.5 grade point average at the end of

the first award period to retain the maximum award amount; provides that an eligible student for subsequent award periods must have a cumulative grade point average of 3.0 or greater to retain the maximum award amount; provides that any eligible student who maintains a cumulative grade point average of less than 3.0 but greater than 2.5 at the completion of any award period shall receive a reduction in the maximum award amount equal to fifty percent (50%) of the maximum award amount for the next award period; provides that any eligible student who maintains a cumulative grade point average of less than 2.5 at the completion of any award period shall lose his or her award for the next award period; provides that any student who loses eligibility through failure to maintain the required cumulative grade point average may regain eligibility in a subsequent award period upon reestablishing at least a 2.5 cumulative grade point average as certified by the participating institution; provides that the expiration of a student's eligibility shall be extended by the authority upon a determination that the student was unable to enroll for or complete an academic period due to any of specified circumstances; provides that not later than August 1, 1999 and each June 30 thereafter, each Kentucky high school shall submit to the Kentucky Department of Education which shall transmit to the authority, a list of all eligible students for that academic year having obtained in any academic year of high school study at least a 2.5 grade point average; provides that the authority shall notify each eligible student of his or her Commonwealth merit scholarship award earned each academic year; provides that the authority shall make available a comprehensive list of eligible high school graduates to the participating institutions; provides that each participating institution shall submit to the authority a report of all eligible students enrolled for that academic period; provides that the Commonwealth merit scholarship and supplemental award shall be disbursed by the authority to each eligible student attending a participating institution during the academic period within thirty (30) days after receiving a satisfactory report; provides that the availability of the Commonwealth merit scholarship and supplemental award shall be considered in determining an eligible student's need for other need-based grant or scholarship administered by the authority; provides that the Commonwealth merit scholarship and supplemental award shall not be awarded to any eligible student who is in default on any obligation to the authority under any program administered by the authority; provides that a student that attains a 28 on the ACT and maintains a 4.0 during all four years of high school is designated as a Jeff Green Scholar; provides that \$1,200,000 shall be credited to the Collaborative Center for Literacy Development and \$1,800,000 to the early reading incentive fund in fiscal year 1999-2000 and in each fiscal year thereafter from net lottery revenues from the sale of lottery tickets; provides that net lottery revenues from the sale of lottery tickets shall be credited to the Commonwealth merit scholarship trust fund as follows:

Seven million dollars (\$7,000,000) in fiscal year 1999-2000;

Fifteen percent (15%) in fiscal year 2000-2001;

Twenty-five percent (25%) of net lottery revenues in fiscal year 2001-2002;

Thirty-two percent (32%) of net lottery revenues in fiscal year 2002-2003;

Forty percent (40%) of net lottery revenues in fiscal year 2003-2004;

Forty-five percent (42.5%) of net lottery revenues in fiscal year 2004-2005; and each fiscal year thereafter; provides that the net lottery revenues from the sale of lottery tickets shall be credited to the College Access Program and the Kentucky Tuition Grants Program, as follows:

Fourteen million dollars (\$14,000,000) in fiscal year 1998-1999;

Fifteen million dollars (\$15,000,000) in fiscal year 1999-2000;
Thirty-two percent (32%) of net lottery revenues in fiscal year 2000-2001 through
fiscal year 2002-2003;
Forty percent (40%) of net lottery revenues in fiscal year 2003-2004;
Forty-five percent (45%) of net lottery revenues in fiscal year 2004-2005; and
Fifty-five percent (55%) of net lottery proceeds in fiscal year 2005-2006 and each
fiscal year thereafter.

SB 22

AN ACT relating to state veterans' cemeteries.

Creates a new section in KRS Chapter 36 to require the Department of Veterans' Affairs to establish and maintain state veterans' cemeteries.

SB 28

AN ACT relating to physician assistants.

Amends various sections of KRS Chapter 311 to define the terms "physician assistant", "supervising physician", and "supervision"; directs that physician assistants be considered to practice medicine or osteopathy with physician supervision; allows a physician assistant to perform duties and responsibilities delegated by the supervising physician; prohibits a physician assistant from rendering services in hospitals or other licensed health care facilities without the express written permission of the facility's governing body; allows the facility to restrict the physician assistant's scope of practice within the facility as the facility deems appropriate; allows a physician assistant to prescribe and administer drugs and medical devices as delegated by the supervising physician; allows the prescribing and administering of drugs to include all nonscheduled legend drugs; allows any physician assistant delegated prescribing privileges to request, receive, and sign for professional sample drugs and distribute professional sample drugs to patients; allows physician assistant delegated prescribing privileges to request, receive, and sign for professional sample drugs to patients; creates a new section of KRS 311.530 to 311.620 to require the board of medical licensure to issue administrative regulations to carry out the performance of duties imposed by the board related to prescribing privileges for physician assistants; directs the board to establish a 9 member physician assistant advisory committee to review and make recommendations to the board regarding all matters coming before the board relating to physician assistants; provides for advisory committee membership, terms of office, compensation and duties; amends reimbursement for attending meetings for members of the physician assistant advisory committee to be consistent with state personnel policy; clarifies that KRS Chapter 311 does not require credentialing of a physician assistant student enrolled in an accredited physician assistant or surgeon assistant program or employed by the federal government; amends KRS 314.011, to redefine the term "registered nursing practice" and "licensed practical nursing practice" to include the administration of medication and treatment as prescribed by a physician assistant; amends KRS 315.040, to prohibit anything in the chapter from interfering with the activities of a physician assistant as authorized in KRS Chapter 311; amends KRS 217.015, relating to the state food, drug and cosmetic act, to revise the term "practitioner" to include physician assistants when administering or prescribing pharmaceutical agents.

SB 31

AN ACT relating to motor vehicles.

Amends KRS 186.043 to allow historic vehicles to display authentic Kentucky license plates, twenty-five years or older, or a reproduction of same, if a Historic Motor Vehicle plate is kept in the vehicle at all times.

SB 33

AN ACT relating to state holidays.

Amends KRS 18A.190 to declare Veteran's Day, November 11, as an observed state holiday and deletes the day off for observance of President's Day.

SB 34

AN ACT relating to tampering with or rigging a pari-mutuel horse race.

Amends KRS 230.990 to make using any device, material, or substance to tamper with or rig a horse race a class C felony; amends KRS 518.060 to conform.

SB 36

AN ACT relating to protection of adults.

Amends KRS 209.990 to make abusing or neglecting an adult knowingly a class C felony; makes wantonly abusing or neglecting an adult a class D felony; makes recklessly abusing or neglecting adult a class A misdemeanor; makes exploiting an adult knowingly a class C felony, when the exploitation amounts to more than three hundred dollars; makes exploiting an adult wantonly or recklessly a class D felony, when the exploitation amounts to more than three hundred dollars; and makes exploiting an adult knowingly, wantonly, or recklessly a class A misdemeanor, when the exploitation amounts to three hundred dollars or less.

SB 37

AN ACT relating to the licensure of interpreters for the deaf and hard of hearing.

Creates new sections of KRS Chapter 309 to require licensure for interpreters for the deaf and hard of hearing, based on national certification; creates the Kentucky Board of Interpreters for the Deaf and Hard of Hearing, which is required to submit an annual report to the Legislative Research Commission, and the Kentucky Board of Interpreters for the Deaf and Hard of Hearing Policy Committee.

SB 41

AN ACT relating to a gas system restoration and development project account.

Amends KRS 147A.200 to rename the Gas System Restoration Project Account the Gas System Restoration and Development Project Account and allows funds to be used in any gas system or development project approved by the Gas System Restoration and Development Project Account Review Board as modified; re-establishes membership and allows the board to meet as necessary.

SB 42

AN ACT relating to flood control.

Creates a new section of KRS Chapter 147A to create a Local Match Participation Program for statewide flood control projects; uses moneys in the fund as matching moneys for federal moneys dedicated to flood-related projects, and allows funds in the program to be used for flood control planning and mitigation activities.

SB 43

AN ACT relating to county financial management.

Amends KRS 68.275 to allow fiscal courts to adopt standing orders for the payment of recurrent monthly payroll and utility expenses only, unless otherwise permitted by the state local finance officer; provides that the standing order expires after July 1 of each fiscal year unless the fiscal court adopts another standing order.

SB 44

AN ACT relating to local government financial information.

Amends KRS 65.905 to allow the Department of Local Government to use information obtained from forms or reports filed by local governments in lieu of the uniform financial information report (UFIR); specifies that the final quarterly report filed by a county within fifteen (15) days after the end of the last quarter of the fiscal year, in accordance with KRS 68.360 (2), shall be deemed the uniform financial information report for that county if that quarterly report contains, at a minimum, all information required by KRS 65.910; amends KRS 65.920 to allow the state local finance officer to withhold funds from special districts and local governments if they fail to comply with the provisions of KRS 65.900 to 65.925 or KRS 92.280 (1).

SB 45

AN ACT relating to local government budgets and escrow accounts.

Amends KRS 68.260 to require that proposed county budgets be published at least seven (7) days, instead of ten (10) days, before final adoption by the fiscal court; amends KRS 371.160 to specify that governmental entities are not required to escrow the retainage for governmental contracts on improvements to real property.

SB 53

AN ACT relating to limitations of civil actions.

Creates a new section of KRS Chapter 413, relating to a five (5) year limitation of statutory actions for childhood sexual assault as well as childhood sexual abuse; defines terms; inserts provision that victims "know or should have known" as an element initiating the five year statute of limitation; establishes filing deadlines; requires the judge, rather than the circuit clerk, to determine when to seal records; establishes circumstances for sealing court records; and applies provisions retroactively.

SB 54

AN ACT relating to the Kentucky lottery.

Amends KRS 154A.130 to require the KY Lottery Corporation to publish a financial statement from its annual audit in every daily newspaper in Kentucky by December 31 of each

year; requires publication of the name of the auditor's firm and a telephone number which may be called to obtain a copy of the audit; requires publication of the name of the Lottery Corporation president/ceo and a list of board members.

SB 55

AN Act relating to motor vehicle insurance.

Amends KRS 304.339-040 to require insurers wiring liability insurance coverage for motorcycles to make available the option of basic reparation benefits, added reparations benefits, uninsured motorists, and underinsured motorist coverages.

SB 58

AN ACT relating to protection of and counseling for child victims.

Amends KRS 431.600 to clarify that Cabinet for Human Resources social workers shall assist in all child sexual abuse investigations, but shall be the lead investigators only for cases falling under KRS 600.020; adds "other team members" to the categories of parties required to minimize the involvement of the child in certain legal proceedings.

SB 59

AN ACT relating to the definition of "sportsman."

Amends KRS 150.022 relating to fish and wildlife to include "a resident who has registered a motorboat" in the definition of "sportsman."

SB 61

AN ACT relating to judicial supervision of custody decree or agreement.

Amends KRS 403.330 to allow the court, at the time of child custody hearings, to order that another appropriate local entity, or the child welfare department if currently involved in the case, exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out.

SB 63

AN ACT relating to health insurance coverage for autism.

Creates a new section of Subtitle 17A of KRS Chapter 304 to require insurers to provide health insurance coverage, including respite and rehabilitative care, for autism of a child covered under the policy, subject to a \$500 per month per child limitation which does not apply to other health conditions of the child and services for the child not related to the treatment of autism; defines autism and child.

SB 65

AN ACT relating to dentistry.

Amends KRS 313.080 and KRS 313.305 to require individuals licensed to practice dentistry and dental hygiene in Kentucky to register evidence of completion of continuing education with the board of dentistry in odd-numbered and even-numbered years respectively; allows board to suspend licenses for failure to submit a renewal application to the board by December 31; requires notification of change in address, office location or employment within ten (10) days after change; amends KRS 313.150 to allow board to reprimand, place on probation, revoke, suspend, refuse to renew or refuse to issue a license from the board's

knowledge of matters or from information from another; adds a new subsection to KRS 313.150 that allows the board's law enforcement committee to determine immediate temporary suspension of a license; allows for executive director to make an emergency order and to conduct an emergency hearing under KRS 13B.125; requires board to expedite disciplinary actions in which a license has been temporarily suspended; requires an accusation against a licensee to be in writing; adds provision directing LRC to conduct a study on dentistry.

SB 68

AN ACT relating to retail food establishments.

Amends KRS 217.015 to include the definition of "imminent health hazard"; amends KRS 217.126 to authorize local health departments to immediately close a retail food establishment when an imminent health hazard occurs, or interference occurs with a cabinet's representative when conducting an inspection, or a rating score below 60 is awarded; makes revisions consistent with KRS Chapter 13B; amends KRS 217.992 to correct and clarify language for "retail food establishment" and "food processing establishment"; amends KRS 315.010 to conform.

SB 70

AN ACT relating to alcoholic beverages.

Amends KRS 243.200 to allow alcoholic beverage store operators to move alcoholic beverages, without license, from one store they operate to another within same county; requires that store operator that transfers from one of his stores to another maintains records of the transfers and have them available for review by the department.

SB 72

AN ACT relating to Citizen Foster Care Review Boards.

Amends various sections of KRS Chapter 620 to insert the word, "citizen" in front of the phrase, "foster care review board"; permits family court judges to make appointments made to citizens' foster care review boards.

SB 74

AN ACT relating to crime stoppers organizations and providing a mechanism for their funding.

Creates a new section of KRS Chapter 431 to permit counties to fund crime stoppers organizations through a one dollar (\$1) court fee on convictions for misdemeanors and violations, excluding traffic violations, where a fine is levied; specifies how crime stoppers organizations become eligible for the funding; requires crime stoppers to account for the funds raised.

SB 75

AN ACT relating to retirement.

Amends KRS 61.595 to allow service credit in a system sponsored by a Kentucky institution of higher education or the Higher Education Assistance Authority to count toward an unreduced retirement of 27 years rather than 30 years.

SB 76

AN ACT relating to crimes and punishments.

Amends KRS 533.030 relating to probation and conditional discharge to provide that a court may order a person convicted of an alcohol or drug offense to make a one-time contribution to a Drug Abuse Resistance Education (DARE) program or to a drug or alcohol treatment or prevention program that a local government administers, refers individuals to or contracts to administer.

SB 77

AN ACT relating to administrative hearings.

Amends KRS 13B.040 to require that a request for the disqualification of a hearing officer be acted on within sixty (60) days of its filing.

SB 78

AN ACT relating to county funds.

Amends KRS 68.310 to limit the expenditure of county funds in the first half of any fourth fiscal year; payment of bonded indebtedness exempted; exempts road funds from the fourth year limitations if the general fund has the dollar for dollar amount; these excess general funds to remain in the general fund until January 1.

SB 83

AN ACT relating to child protection.

Amends KRS 600.020 to add and define the term "near fatality"; amends KRS 620.050 to allow child care administrators access to the report of suspected child abuse, neglect, or dependency and all information obtained by the Cabinet for Human Resources or its delegated representative; prohibits divulging of the identity of informants without a court order after the court has reviewed in camera the record of the state related to the report or complaint and found reason to believe the informant knowingly made a false report; makes exception for law enforcement agencies having a legitimate interest in the case; allows public disclosure of information by the cabinet in a case where child abuse or neglect has resulted in a child fatality or near fatality; provides for voluntary waiver of confidentiality of information and records about an affected adult, when the affected adult publicly reveals or causes to be revealed any significant part of the confidential matter or information; allows the disclosure if the disclosure is in the best interest of the child or is necessary for the administration of the cabinet's duties under KRS Chapter 620.

SB 85

AN ACT relating to limited access facilities.

Amends KRS 177.250 to allow local governments, either independently or jointly through an interlocal cooperative agreement, to purchase options to buy right-of-way on future highway projects included in long-range transportation plans.

SB 88

AN ACT relating to the release of liens.

Amends KRS 382.365, relating to the release of liens, to provide that a district court as well as a circuit court may be utilized to secure the release of the lien and mandate that the court release the lien upon sufficient proof being shown.

SB 92

AN ACT relating to the flag of the United States.

Creates a new section of KRS Chapter 2 to allow the display of the American flag up to 2' by 3' from a person's residence, private property agreements to the contrary notwithstanding.

SB 93

AN ACT relating to the Commission on the Deaf and Hard of Hearing.

Amends KRS 163.506 to add an additional member to the Commission on the Deaf and Hard of Hearing; specifies other classifications of persons as eligible members to assure fair representation from the deaf constituency.

SB 101

AN ACT relating to speed limits.

Amends KRS 189.390 to allow the Secretary of the Transportation Cabinet to set speed limits on fully controlled access highways not to exceed 65 miles per hour.

SB 102

AN ACT relating to motor vehicle usage tax.

Amends KRS 138.470 to exempt from the motor vehicle usage tax the transfer of motor vehicles between a corporation, proprietorship, or limited liability company within six months from the time the business is incorporated or dissolved; applies for motor vehicles transferred after July 31, 1998.

SB 103

AN ACT relating to fiscal court organization.

Amends KRS 67.050 to change the number of petition signatures required to bring about an election on the structure of fiscal court from 100 legal voters of the county to a number equal to 15% of the voters in the county at the preceding presidential election, or 1,200 voters, whichever is less

SB 105

AN ACT relating to insurance.

Amends KRS 304.47-080 to exclude reinsurers from requirement to maintain a unit to investigate possible fraudulent claims; and amends KRS 304.47-030 to exclude reinsurers from the requirement of printing warning statements on applications and claim forms.

SB 106

AN ACT relating to motorboat registration.

Amends KRS 235.050, relating to the titling and registration of motorboats, to mandate a registration period of less than 12 months when application for motorboat title and registration is filed prior to the annual registration date, and prorate registration fees accordingly; amends KRS 186A.015 to conform.

SB 114

AN ACT relating to community foundations.

Creates a new section of KRS Chapter 65 to define "community foundation" as a charitable nonprofit community foundation established to accept assets, owned, given, or bequeathed to a local government for the purposes of meeting charitable objectives for the citizens of the community, authorizes local governments to donate proceeds to a community foundation; clarifies that the gifts specified in subsections (3) and (4) are from local governments; specifies when the foundation shall return donations to a local government.

SB 119

AN ACT relating to unlawful telecommunications devices.

Amends KRS 514.060 to prohibit the theft of wireless communications services, and requires restitution to service providers; creates a civil cause of action for damages; provides for injunctive relief, and provides for recovery of litigation expenses; amends KRS 514.065 to specify the types of actions which shall constitute the theft of telecommunications services, and provides for restitution to service providers; creates a civil cause of action for damages, as well as injunctive relief, provides for recovery of litigation expenses; and provides for seizure and destruction of prohibited devices.

SB 120

AN ACT relating to simulcasting in a geographic area containing more than one race track.

Amends KRS 230.377 to restrict intertrack wagering and simulcasting for tracks in a geographic area within a 50 mile radius which contains more than one track to races of the same breed of horse each affected track is licensed to race; limits the number of licensed horse racing tracks to nine; amends KRS 230.3771 to conform.

SB 121

AN ACT relating to abortion.

Amends KRS 311.720 to establish the definitions of "partial-birth abortion" and "vaginally delivers a living fetus before killing the fetus"; creates a new section of KRS 311.710 to 311.820 to criminalize partial-birth abortion; amends KRS 311.595 to permit the suspension or revocation of a license to practice medicine held by a person who performs a partial-birth abortion; amends KRS 311.990 to establish a crime of a Class D felony for a physician who performs a partial-birth abortion; establishes the defense that the partial-birth abortion was necessary to save the life of the mother; involves the State Board of Medical Licensure in deciding whether the partial-birth abortion was necessary to save the life of the mother; requires that any person, other than a physician, who performs a partial-birth

abortion, shall not be prosecuted under the Act but shall be prosecuted under the provisions of law which prohibit any person, other than a physician, from performing an abortion.

SB 122

AN ACT relating to motor vehicles.

Creates a new section of KRS Chapter 186 to allow persons eligible for accessible parking registration plates who have been issued special plates to apply to the Transportation Cabinet by September 1 of the preceding registration year to have the special plate display the international symbol of access; keeps fees the same as for special plates; specifies parking privileges for plates issued shall be the same as granted by KRS 186.042.

SB 123

AN ACT relating to the creation of the Transportation and Tourism Interagency Committee.

Creates new sections of KRS 177 to confirm Executive Order 96-951 establishing the Transportation and Tourism Interagency Committee, set membership at thirteen members: six appointed by the secretary of the Tourism Cabinet, six appointed by the secretary of the Transportation Cabinet, and one appointed by the executive director of the Kentucky Heritage Council.

SB 126

AN ACT relating to tobacco warehouses.

Amends sections of KRS 248 relating to tobacco warehouses to reduce the annual license fee paid by tobacco warehouses to \$125 from \$275; requires compliance with the provisions of KRS 248.350 relating to warehouses' discriminating against any tobacco grower to be monitored by the Department of Agriculture with enforcement assistance from the Attorney General, rather than enforced by the Attorney General.

SB 128

AN ACT relating to children's health insurance and declaring an emergency.

Creates various new sections of KRS Chapter 205 to create within the Cabinet for Human Resources the Kentucky Children's Health Insurance Program for the purposes of providing health care coverage and other coordinated services to children through the age of 18 years at or below 200 percent of the federal poverty level and who are not otherwise eligible for health insurance coverage through either expansions of Medicaid services under Title 19 of the federal Social Security Act and through the provision of a separate health insurance program under Title XXI of the Social Security Act, or a combination of Medicaid program expansions and use of a separate health insurance program and for expanding Medicaid coverage for children between the ages of 14 and 18 years up to 100 percent of the federal poverty level; requires the Cabinet for Human Resources to prepare a state child health plan meeting the requirements of Title XXI of the federal Social Security Act; requires the KCHIP schedule of benefits to be equivalent to one of three health benefit plans as described, plus include preventive services, vision services, and dental services including at least sealants, extractions, and fillings; sets forth premium contributions per family for health insurance coverage under KCHIP in accordance with family income ranges; requires criteria for health services providers and insurers wishing to contract to provide KCHIP coverage to be set forth

in administrative regulations and maximize competition among providers and insurers; requires the Cabinet for Human Resources in any contracting process for the preventive health insurance program provide the opportunity for a public health department to bid on preventive health services to eligible children within the public health department's service area; directs that a public health department not be disqualified from bidding because the department does not currently offer all services required in the benefit schedule; requires the Cabinet for Finance and Administration to provide oversight over contracting policies and procedures to assure the number of applicants for contracts is maximized; requires the Human Resources Cabinet to assure that a KCHIP program is available to all eligible children in all regions of the state within 12 months of federal approval of the state's Title XXI child health plan; requires the cabinet to institute its own program if necessary to meet this assurance; provides that KCHIP recipients shall have direct access to dentists for primary dental services and optometrists and ophthalmologists for primary vision services; establishes Children' Health Insurance Program Trust Fund; limit administrative costs to 10% of applicable program costs; requires the Trust fund to administer any savings from the implementation of KCHIP through managed care and use those savings to provide state matching funds for any enhanced federal funds available under Title XXI; requires the Human Resources Cabinet to conduct KCHIP eligibility determination and provides oversight over enrollment and claims payment; requires the KCHIP program to collect, analyze, and publicly disseminate comprehensive data on the number of children enrolled in the program, services received through the program, and the effect on health outcomes of children served by the program including the special health needs of minority children; requires KCHIP to include a system of outreach and referral for children who may be eligible for the program; requires the program to work with the Medicaid Department, Social Insurance Department, schools, pediatricians, public health departments, and other interested entities; requires administrative regulations for a quality assurance and utilization review structure; requires governor to appoint a 7 member advisory council for the KCHIP program which is representative of health care providers, families with children eligible for services, and child advocacy groups; provides that no more than 10% of program costs be used for children's health programs other than those targeted for low-income children as defined in Title XXI, initiatives for improving the health of children as defined in Title XXI or the state plan, outreach activities, and other reasonable costs of administering the program; allows use of insurer's or health maintenance organization's sales and marketing methods; provides for inclusion of a preventive health insurance program for children with no copayment, deductible, coinsurance, or premium, including preventive dental service, tooth extraction, and emergency dental services, as permitted by federal law; EMERGENCY.

SB 133

AN ACT relating to school employees.

Establishes a new section of KRS 161.730 to 161.810 to require that all references to allegations or findings in an investigation that a teacher, administrator, or other school employee acted improperly relating to the statewide assessment program that occurred before the effective date of this Act be expunged from the individual's personnel file in the local district if an individual was found not guilty; and requires that after July 15, 1998 files be expunged immediately when a person is found not guilty including files in the local district, the Kentucky Department of Education and the Education Professional Standards Board.

SB 135

AN ACT relating to health insurance.

Creates a new section of Subtitle 17A of KRS Chapter 304 pertaining to health insurance to require all health insurers that offer managed care plans to provide enrollees, upon enrollment and upon request thereafter, a directory of participating providers; makes provisions applicable to optometrists, chiropractors, and hospitals; amends to require that certain information be included in a participating provider directory, and to require that the information be included prior to any open enrollment period for which the effective date of coverage will be January 1, 1999, or for which the effective date will commence after an open enrollment period and will continue for each open enrollment period; amends to require general information about the type of financial incentives between providers under contract with the insurer and other participating health care providers and facilities to which the participating providers refer their managed care patients; requires health benefit plans to cover cochlear implants; and amends to require the insurer to notify each covered person on the termination or withdrawal from the insurer's provider network of the designated primary care provider.

SB 136

AN ACT relating to the propane industry.

Creates new sections of KRS Chapter 234 to create the Kentucky Propane Education and Research Council; permits a referendum of the propane industry on whether or not to levy an assessment on themselves to finance marketing and education of the propane industry; allows industry trade organizations to be certified by the commissioner of the Department of Housing, Buildings, and Construction to conduct an initial referendum; establishes voting rights for industry members; requires an independent auditing firm to conduct the referendum; establishes the initial assessment and subsequent increases to that assessment; establishes membership and terms of the council; establishes duties of the council; stipulates purpose of the funds; allows person paying assessment to be reimbursed if dissatisfied with the result of the assessment; allows method to terminate council and assessment.

SB 139

AN ACT relating to reorganization.

Confirms Executive Order 96-909 to abolish the Department of Personnel and creates the Personnel Cabinet; assigns all powers, duties, responsibilities, and authority under KRS Chapter 18A and transfers all other applicable duties to the Secretary of the Personnel Cabinet; reorganizes the Cabinet into three organizational units: the Office of the Secretary, the Department for Personnel Administration, and the Department for Employee Relations.

SB 141

AN ACT relating to motor vehicles.

Amends KRS 186.020 and 186.051 to direct the Transportation Cabinet to establish a staggered registration system for commercial motor vehicles.

SB 142

AN ACT relating to retirement.

Amends KRS 61.595 to provide that a member of the Kentucky Employees Retirement System who is employed between January 1, 1998, through January 1, 1999, shall receive a retirement factor of 2.0% and that a member who is employed between January 1, 1998, through January 1, 1999, and retires between February 1, 1999, and January 1, 2009, with at least 20 years of service shall receive a retirement factor of 2.2%; amends KRS 61.705 to provide a death benefit increase from \$2,500 to \$5,000.

SB 145

AN ACT relating to traumatic brain injury.

Creates new sections of KRS Chapter 211 to define terms, establishes the Kentucky Traumatic Brain Injury Trust Fund Board and sets forth its operating parameters and duties; creates a new section of KRS Chapter 211 to establish the traumatic brain injury trust fund and to establish criteria for expenditures from the fund; amends KRS 189.990 to impose an additional fee of \$5 against certain moving violations to be deposited in the trust fund; amends KRS 189.390 to impose an additional fee of \$10 against speeding violations to be deposited in the trust fund; amends KRS 189A.010 to impose an additional fee of \$15 against individuals convicted of DUI to be deposited in the trust fund; amends KRS 186.574 to conform.

(VETOED by Governor)

SB 146

AN ACT relating to tobacco products.

Amends KRS 438.311 relating to the purchase of tobacco products by minors to move jurisdiction from the Department of Agriculture to Juvenile Session of District Court as a status offense; amends KRS 438.313 and KRS 438.325 as they relate to the purchase of tobacco products by minors to move jurisdiction from the Department of Agriculture to Juvenile Session of District Court; amends KRS 438.335 relating to the disposition of fines and jurisdiction in the Department of Agriculture to conform.

SB 147

AN ACT relating to reorganization.

Amends KRS 164A.050, relating to the Kentucky Higher Education Student Loan Corporation, to increase the citizen members appointed by the Governor from 4 to 8; confirms Executive Orders 96-617 and 96-1138.

SB 148

AN ACT relating to reorganization.

Confirms Executive Order 96-716 which transferred personnel, equipment, supplies, records, and funds relating to veterans from the Department of Military Affairs to the Department of Veterans' Affairs.

SB 149

AN ACT relating to reorganization.

Creates the Office of Information Services and the Public Information and Education Branch within the Natural Resources and Environmental Protection Cabinet; confirms Executive Order 96-944.

SB 150

AN ACT relating to reorganization.

Confirms Executive Order 96-931.

SB 151

AN ACT relating to reorganization.

Confirms Executive Order 96-916, issued on July 15, 1996, reorganizing the Kentucky Transportation Cabinet.

SB 152

AN ACT relating to reorganization.

Amends KRS 304.17A-020 to attach the Kentucky Health Purchasing Alliance to the Department of Insurance; provides that the alliance is to be headed by an executive director; confirms Executive Order 96-884.

SB 153

AN ACT relating to government reorganization.

Confirms Executive Order 96-946 relating to the abolishment of the Kentucky Recycling Brokerage Division, and creates the Kentucky Recycling and Marketing Assistance Program.

SB 154

AN ACT relating to reorganization.

Amends KRS 147A.002 to change the Division of Community Programs to the Division of Community Development; confirms Executive Order 97-1391.

SB 155

AN ACT relating to reorganization.

Confirms Executive Order 96-1503 to create certain organizational units within the Department of Juvenile Justice, Justice Cabinet; transfers certain facilities to the Department of Juvenile Justice; transfers funding to the Department of Juvenile Justice; abolishes the Divisions of Residential Services, Community Services, and Program Support Services within the Department of Juvenile Justice; abolishes the Division of Youth Services within the Justice Administration of the Justice Cabinet.

SB 156

AN ACT relating to reorganization.

Renames the Division of Sales and Marketing within the Department of the Kentucky State Fair Board the Division of Public Relations and Media; creates the Division of Sales within the Department of the Kentucky State Fair Board; creates the Division of Security and

Traffic Control within the Department of the Kentucky State Fair Board; confirms Executive Order 96-930.

SB 158

AN ACT relating to reorganization.

Amends KRS 151B.023 to create the Division of Workforce Investment in the Department of Adult Education and Literacy in the Cabinet for Workforce Development; amends KRS 151B.023 and KRS 151B.125 to change the name of the Division of Management and Support Services to the Division of Management Services in the Department of Adult Education and Literacy in the Cabinet for Workforce Development; confirms Executive Order 97-1508.

SB 159

AN ACT relating to reorganization.

Amends KRS 12.023 to create the Office of Coal Marketing and Export attached to the Office of the Governor; amends KRS 154.12-250 to move personnel, equipment, supplies, and records relating to the Coal Marketing and Export and confirms Executive Order 96-921.

SB 160

AN ACT relating to reorganization.

Establishes the Kentucky Arts Council as an independent agency within the Education, Arts, and Humanities Cabinet; confirms Executive Order 96-920, abolishing the Visual Arts Program and authorizing the Secretary of the Education, Arts and Humanities Cabinet, upon recommendation of the council, to appoint an Executive Director to head the council.

SB 161

AN ACT relating to reorganization.

Creates a new section of KRS Chapter 194 to establish the Kentucky Commission on Human Services Collaboration which is attached to the Cabinet for Human Resources for administrative purposes; revises certain functions and powers of the Commission; deletes the appointment of representatives by the Speaker of the House of Representatives and the President of the Senate; limits appointments to the Commission to two consecutive four-year terms; allows the commission chair to designate work groups instead of appoint Advisory Committees; sunsets the Commission in six years after the effective date of the Act; and requires the Commission on Human Services Collaboration to file a report with LRC and the General Assembly.

SB 162

AN ACT relating to reorganization.

Creates the Central Investigation Section within the Office of Legal Services of the Natural Resources and Environmental Protection Cabinet; confirms Executive Order 96-697.

SB 164

AN ACT relating to reorganization.

Creates within the Public Protection and Regulation Cabinet, Office of the Secretary, the Office of Petroleum Storage Tank Fund; confirms Executive Order 96-591.

SB 165

AN ACT relating to reorganization.

Confirms Executive Order 96-838, which creates the Office of Management and Administration within the Department of Military Affairs; creates and places the Bluegrass Station Division within the Office of Management and Administration; places three existing divisions in the Office of Management and Administration: the Division of Administrative Services, the Division of Facilities, and the Division of Air Transport; amends KRS 36.010 to conform; inserts non codified language to confirm the portion of the current organizational structure not contained in Executive Order 96-838.

SB 167

AN ACT relating to motor carriers.

Amends KRS 281.624, relating to a certificate to operate as a household goods carrier, to bring the Kentucky definition of a household goods carrier into compliance with changes made in the federal definition; amends KRS 281.990, relating to penalties for motor carriers, to increase the penalty for operating as a motor carrier without a certificate from a fine of not less than \$60 and not more than \$200 to not less than \$2,000 and not more than \$3,500; creates a penalty for operating as a motor carrier in violation of a certificate of a fine of not less than \$2,000 and not more than \$3,500; deletes the existing penalty for hiring a person who does not have a motor carrier permit; amends KRS 281.631, relating to tacking of certificates at common points to render through service, KRS 281.680, relating to filing and public inspection of rate and service schedules, KRS 281.685, relating to adherence to rates, fares, charges, and schedules, and KRS 281.690, relating to changes in rates, to conform.

SB 168

AN ACT relating to school employees.

Amends KRS 160.380 to permit in a school district containing no more than one elementary, one middle, and one high school, the employment of a school principal's spouse in the principal's school, if the spouse was employed in the 1989-90 school year.

SB 169

AN ACT relating to souvenir retail liquor sales.

Amends KRS 243.0305 to increase from 1 to 3 liters the aggregate amount of liquor that can be sold per visitor by the souvenir retail licensee; extends hours of operation from 6 p.m. to 9 p.m.

SB 171

AN ACT relating to the fair and reliable imposition of capital sentences.

Creates new sections of KRS Chapter 532 to provide that no person shall be subject to or given a sentence of death that was sought on the basis of race; allows a court to find that race was the basis of a particular decision to seek the death sentence if race was a significant factor in decisions to seek death sentences in the Commonwealth at large at the time the particular death sentence was sought; allows the court to base its finding on statistical evidence; requires the defendant to raise the claim at the pretrial conference and to state with particularity how race was a factor in his or her case; gives the defendant the burden of proof

by clear and convincing evidence; allows the Commonwealth to rebut the defendant's claim; names the act the Kentucky Racial Justice Act.

SB 172

AN ACT relating to reorganization.

Amends KRS 235.010 to abolish the Division of Water Patrol within the Department of Fish and Wildlife Resources and to transfer its personnel and duties to the Division of Law Enforcement within the Department of Fish and Wildlife Resources; amends various other sections to conform; repeals KRS 235.020 and 235.320; confirms Executive Order 96-726.

SB 173

AN ACT relating to reorganization.

Amends KRS 12.020, 15A.030, 64.185, 72.210, 72.240, 72.400, 72.410, and 72.460 to change references to the medical examiner program or similar language to "Division of Kentucky State Medical Examiners Office"; confirms Executive Order 96-941 which abolishes the Medical Examiner Program and creates in its place the Division of Kentucky State Medical Examiners Office.

SB 174

AN ACT relating to reorganization.

Renames the Office of Development, within the Education, Arts and Humanities Cabinet, the Operations and Development Office; confirms Executive Order 96-940.

SB 175

AN ACT relating to reorganization.

Changes the name of the Environmental Council to the Kentucky Environmental Education Council in the Education, Arts and Humanities Cabinet; confirms Executive Order 96-918.

SB 176

AN ACT relating to reorganization.

Amends KRS 42.013 to transfer the Division of Information Resources and the Division of Internal Audit to the Office of the Secretary; amends KRS 42.014 for a technical amendment; amends KRS 42.027 and KRS 42.029 to transfer the Division of Telecommunications and its functions from the Department for Facilities Management to the Department of Information Systems; amends KRS 42.065 to put the Division of Internal Audit in the Office of the Secretary rather than the Office of Management and Budget; confirms Executive Order 96-886.

SB 177

AN ACT relating to reorganization.

Amends KRS 12.020 and KRS 336.015 to change the name of the Office of Labor-Management Relations in the Labor Cabinet to the Office of Labor-Management Relations and Mediation; amends KRS 336.020 to change the name of the Division of Employment Standards and Mediation in the Labor Cabinet to the Division of Employment Standards, Apprenticeship and Training; transfers the Mediation Branch of the Division of Employment

Standards, Apprenticeship and Training to the Office of Labor-Management Relations and Mediation; transfer the Division of Special Fund from the Department of Workers' Claims to the Department of Workplace Standards in the Labor Cabinet; creates the Division of Information and Research, and the Division of Security and Compliance in the Department of Workers' Claims in the Labor Cabinet; amends KRS 198B.658, 336.140, 336.151, 336.152, 336.160, 336.164, 336.165, 342.122, and 345.080 to conform; confirms Executive Order 96-885, to the extent not otherwise confirmed and except for the creation of the Office of Fraud Prevention, which was superseded by Executive Order 97-69.

SB 178

AN ACT relating to reorganization.

Amends various KRS sections to confirm Executive Order 96-737 renaming the Department of Local Government as the Department for Local Government.

SB 182

AN ACT relating to sheriffs.

Amends KRS 64.121 to define "incapacity" as a condition under which a sheriff or his personal representative may apply to the Circuit or District Court Judge that presides over the sheriff's county for an order to determine that the sheriff is physically or mentally unable to discharge the duties of his office; specifies that the application shall be made by the sheriff and that his application to the judge shall include and be supported by the sheriff's physician, documenting the sheriff's incapacitating condition; requires that if a sheriff in a county containing a population of less than seventy thousand (70,000) dies or is incapacitated during his or her term of office the fiscal court shall pay or reimburse the sheriff or his or her estate for the salaries of his deputies and assistants and other necessary expenses of her or her office paid by the sheriff during the year of his or her death or incapacity; provides that for each month which the sheriff or his personal representative performed his duties during the year of his or her death or incapacity, the fiscal court shall pay a sum of money equal to one-twelfth (1/12) of the total salary received by the county's sheriff in the year prior to the death or incapacity.

SB 186

AN ACT relating to literacy programs.

Creates a new section of KRS Chapter 158 to establish the early literacy incentive fund to improve the reading skills of primary program students reading at low levels, by providing grants to schools to implement successful, reliable, replicable research-based reading models, including phonics instruction; requires the state board to establish an application process and the criteria for funding grants; requires the Department of Education to submit a report to the Interim Joint Committee on Education no later than September 1 of each year outlining the use of grant funds and a summary of the program's evaluation; creates the Early Reading Incentive Grant Steering Committee, composed of 15 members, to provide advice concerning the implementation and administration of the early reading incentive grant fund and establishes terms and duties; requires applicants to allocate matching funds; creates a Collaborative Center for Literacy Development to research and train educators in successful models and to establish a demonstration and training site for early literacy at each of the public universities; requires the Council on Postsecondary Education, with the advice of the Department of Adult

Education and Literacy and the Department of Education to develop a process to request proposals for locating the Collaborative Center for Literacy Development at a public postsecondary institution no later than October 1, 1998; requires the center to submit a report to the Governor and the LRC no later than September 1 of each year; amends KRS 158.070, relating to the school term, to permit a school district to use a portion of its extended school services funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the school day.

SB 187

AN ACT relating to elk restoration and protection and declaring an emergency.

Amends sections of KRS Chapter 150 relating to fish and wildlife resources to protect the wild elk reintroduced to eastern Kentucky; requires the department to issue permits for taking wild elk to landowners subject to depredation by wild elk; allows the department to allow limited hunting of wild elk if the wild elk population can support hunting; establishes penalties for illegal taking of wild elk; EMERGENCY.

SB 190

AN ACT relating to expansion of the Kentucky Horse Park Commission.

Expands the Kentucky Horse Park Commission from thirteen (13) members to seventeen (17) members and specifies initial terms for newly appointed members.

SB 197

AN ACT relating to reorganization.

Creates new sections of KRS Chapter 11 to establish the Kentucky Appalachian Commission for the purpose of developing a comprehensive plan for the Appalachian region of Kentucky in the context of development planning for the state as a whole; directs that its goal is the unification of resources from both the public and private sectors to achieve sustainable economic development and an improved quality of life in the region; directs it to be attached to the Governor's Office for administrative purposes; establishes membership, terms, and reimbursement for expenses; directs the Governor to serve as chair and to appoint a vice chair; establishes the duties of the commission; directs staff to consist of an executive director, advisory council and working team liaison, and administrative secretary appointed by the Governor; requires the commission to report its recommendations to the General Assembly by December 1 each year; establishes a transition schedule to four year staggered terms beginning November 1, 1999; confirms Executive Orders 96-903, 96-955, 96-977, and 96-1296 to the extent not otherwise confirmed or superseded by this Act.

SB 198

AN ACT relating to city police and fire departments.

Amends KRS 95.869 to extend the terms of the retired fire and police members of the Police and Firefighter's Retirement Fund in cities of the second class from one (1) year to a maximum of two (2) years under rules adopted by the board; extends the terms of the active members of the fund from each department if applicable from one year to a minimum of one year and a maximum of two years under rules adopted by the board; amends KRS 95.870 to conform; amends KRS 95.560 and 95.624 to require that the local cost of living increase for police and firefighter retirees in pension systems owned by cities of the third class shall be the

same as the annual increase for Social Security benefits, if actuarially feasible, instead of the CPI as calculated in KRS 64.527, not to exceed 5%.

SB 199

AN ACT relating to telephone solicitation

Amends KRS 367.46951 relating to telemarketing law definitions to specify that telephone solicitation does not apply to the following additional organizations: persons with an existing business relationship, universities or colleges, schools, or nonprofit organizations under 501 (c)(3) or (c)(6) of the Internal Revenue Code; or a telephone call made by a telemarketer in Kentucky to a location outside Kentucky; adds definitions of "telemarketer" and "telemarketing company"; amends KRS 367.46977 relating to information a telemarketer must give a consumer to add additional details relating to prize offerings, real estate and real estate investments, investments or business opportunities, total costs for goods and services, conditions for purchase of investments, and terms of refunds, cancellation, exchange or repurchase; creates a new section of KRS 367.46951 to KRS 367.46999 to define specific acts which a telemarketer cannot do and things which a telemarketer cannot say during a telephone solicitation, including calling a person who is on the Attorney General's "no call" list, or making a telephone solicitation other than between the hours of 10 AM to 9 PM; requires the Attorney General's Division of Consumer Protection to maintain a list of persons who do not wish to receive telephone solicitation calls and publish the list on a periodic basis; provides that most acts are a Class B misdemeanor for the first offense and a Class A misdemeanor for subsequent offenses.

SB 202

AN ACT relating to postsecondary education and making an appropriation thereof.

Establishes an Osteopathic Medicine Scholarship Program to provide tuition to eligible students who attend osteopathic medical programs and intend to practice in the Commonwealth; provides that the amount of the scholarship shall equal the difference between in-state tuition at the medical schools at the University of Kentucky and the University of Louisville and tuition charged at the school of osteopathic medicine the student attends; allocates funding to a special trust fund from coal severance tax revenues and from gifts and grants from public or private sources; authorizes the Kentucky Higher Education Assistance Authority to administer the program; requires the execution of a promissory note as evidence of the scholarship and repayment of the obligation under certain circumstances; provides for the cancellation of a promissory note for each year of qualified service as a licensed physician and for repayment of the obligation under certain circumstances; requires that a scholarship shall not be awarded or a promissory note canceled until any financial obligation to the authority is satisfied; requires that a recipient's license shall be revoked for failure to meet repayment obligations; provides that no funds appropriated for student financial assistance shall be awarded if the institution does not have student grievance policies and awards at least as much student financial assistance from institutional funds to residents as it awards to non-residents or reports the financial assistance awards from institutional funds to resident and non-resident students to the authority.

SB 205

AN ACT relating to child custody.

Amends KRS 403.270 to define "de facto custodian" of a child; provides that to qualify as a de facto custodian, a person must have had custody of a child for six (6) months, if the child was under three (3) years old, and for one (1) year if the child was over three (3) years old, or had been placed by the Department for Social Services; prohibits time after the custody action was filed from counting toward the determination of de facto custodian; requires a court to give the same standing to a "de facto custodian" of a child as to the child's parents in awarding custody; requires the court, in awarding custody, to consider the circumstances under which the child was placed with a de facto custodian, including whether it was because of domestic violence or because the parent was seeking work, working, or attending school; amends KRS 403.280 to permit a court to join a "de facto custodian" in a temporary custody proceeding; amends KRS 403.340 to permit the modification of a custody decree earlier than two years after its date when the custodian appointed under the prior decree has placed the child with a "de facto custodian"; amends KRS 403.350 to permit a court to make a "de facto custodian" a party to a temporary custody proceeding or a proceeding to modify a custody decree; amends KRS 403.420 to permit a "de facto custodian" to file a petition for custody of the child; amends KRS 405.020 to permit a "de facto custodian" to seek legal custody of a child.

SB 207

AN ACT relating to underage drinking.

Creates a new chapter of KRS Chapter 211 to establish a trust and revolving account consisting of one percent of the excise tax and wholesale tax imposed on malt beverages; requires that the moneys be paid on a matching basis to the Malt Beverage Educational Fund to combat underage drinking; requires that moneys from the fund go solely to educational materials and programs and that expenditures of moneys from the fund are approved by a majority of the executive branch and legislative branch members on the corporation's board of directors; permits high schools in existence on July 1, 1997 to receive a minimum of \$500 annually from the Malt Beverage Education Fund to support "Project Graduation" events.

SB 208

AN ACT relating to deposit of public funds.

Amends KRS 41.240 to establish criteria to be met by banks to be state depositories; establishes amount of collateral that must either be pledged or provided to State Treasurer; provides that surety bonds issued by sureties rated in one of the three highest categories by a nationally recognized rating agency may be used as collateral; amends KRS 56.520 to provide that the State Investment Commission may invest proceeds from the sale of bonds, as provided in KRS 42.500; amends KRS 66.480 to allow a local government to invest in certificates of deposit which are collateralized by any obligations, including surety bonds; amends KRS 287.330 to allow banks to provide surety bonds as collateral security for government deposits.

SB 211

AN ACT relating to highways and declaring an emergency.

Amends KRS 176.050, relating to duties of the Department of Highways, to require the design plans for all road projects constructing a new route to identify, if at all feasible, one or more sites owned by the state, a city, a county, or a government agency to be used as waste sites during the construction phase of the project that have the potential to be converted into industrial parks; requires the department to consult with local officials on their preferences for the location of potential industrial parks; provides for the sites identified to be used for waste during the construction phase to reduce the cost of the construction project; requires the waste sites to be compacted and fully prepared for building of an industrial park to begin; requires if a waste site is owned by the state, the state must deed the site in fee simple to a city, county, or other government agency when the road construction project is completed; provides for waste to include non-hazardous nonsoluble construction material, steel, concrete, brick, and asphalt, but shall not include vegetation resulting from land clearing and grubbing, utility line maintenance, or seasonal and storm related cleanup; prohibits hazardous material or hazardous waste from being used as fill material in the waste site.

SB 214

AN ACT relating to the Kentucky Forest Conservation Act.

Creates various sections of KRS Chapter 149 relating to forestry to define best management practices, logger, operator, water pollution, timber harvesting operations, and other necessary terms; excludes from the definition of timber harvesting operations the cutting of firewood, the cutting of evergreens grown for Christmas, the removal of trees incidental to clearing for coal mining, farm purposes, well sites, highway or utility rights-of-way, and the cutting of trees by an individual, nonindustrial landowner on his own property; enumerates the findings of the General Assembly regarding forestry and timber harvesting; provides that the Act shall not be construed as affecting the requirements of any other laws of the Commonwealth; provides the cabinet authority to promote the sustainability of Kentucky's forest ecosystems, to protect the health and condition of Kentucky's forest resources, to promote the most efficient utilization of forest resources, to provide educational opportunities to increase landowner, logger, and public awareness of Kentucky's forests, and to promulgate administrative regulations to accomplish purposes of the Act; establishes within the Division of Forestry an information and education program to develop public awareness of the importance of Kentucky's forests, to promote forest stewardship, to coordinate with other agencies, to implement an educational program that emphasizes sustainable forests and the full range of economic, ecological, and social opportunities provided by privately owned forests by sponsoring field days, demonstration programs, and supporting the Cooperative Extension Service; requires the division to maintain an inventory of Kentucky's forests; requires the division to assist with implementation of the Southern Annual Forest Inventory by supplying five two-person crews to perform annual data collection, to implement annual surveys to determine levels of harvesting and timber and log prices, and to use Geographic Information System technology; establishes a Forest Stewardship Incentives Fund with moneys to be used for cost-share programs to provide financial assistance to landowners for development of stewardship plans and for stewardship practices after two years from the effective date of this Act, prohibits any person from conducting timber operations within the Commonwealth unless there is on the site during the timber harvesting operations at least one logger in charge of the

harvest who has successfully completed the Master Logger Program established by the Natural Resources and Environmental Protection Cabinet; requires continuing education every three years after successful completion of the Master Logger Program; requires the division to maintain a list of all loggers who have successfully completed the Master Logger Program and the continuing education requirements; requires master loggers to provide the cabinet with a published phone number; exempts loggers who primarily use mules or horses in their logging operation from the Master Logger Program; requires all state parks to have at least one employee who has completed the Master Logger Program two years from the effective date of the Act, requires any logger or operator engaged in the conduct of any timber harvesting operations to use appropriate best management practices; prohibits any logger or operator from conducting any timber harvesting operations in a manner which will cause water pollution if the cabinet determines that a logger or operator engaged in timber harvesting operations has failed to use the appropriate best management practices or is causing water pollution, requires the cabinet to give the logger or operator written warning of the facts alleged and a reasonable period for abatement and compliance, if after the time for abatement, the cabinet determines that the logger or operator has failed to implement the appropriate best management practices or has failed to abate the water pollution; allows the logger or operator an opportunity for an informal conference with the district forester, after the opportunity for an informal conference, if the cabinet determines that the logger or operator has failed to implement the appropriate best management practices or has failed to abate the water pollution; requires the cabinet to issue a notice of violation and order the logger or operator to implement corrective action measures within a specified period of time. if after the issuance of a notice of violation, the logger or operator fails to implement the best management practice or corrective measures; requires the cabinet to issue a special order, ordering the logger or operator to immediately implement the practices or measures; allows the cabinet to also order the logger or operator to cease all or a portion of the timber harvesting operation constituting the violation, at the time the special order is issued; requires the cabinet to notify the logger or operator of the opportunity for an administrative hearing, if the cabinet finds that any logger or operator is conducting any timber harvesting operations in violation of subsection (1) of Section 7 of the Act, requiring a master logger on site, or in a manner that is causing or is likely to cause water pollution that is presenting an imminent and substantial danger to the public health, safety, or welfare, or to the health of animals, fish, or aquatic life, or to a public water supply, or to recreational, commercial, industrial, or other uses; allows the cabinet to issue an emergency order directing the logger or operator to immediately cease the activity and implement corrective measures at the time the order is issued; requires the cabinet to notify the logger or operator of the opportunity for administrative hearing, if the logger or operator fails to cease activity or comply with and implement the best management practices or corrective measures in a special order or fails to cease activity and implement corrective measures in an emergency order; requires the logger or operator to be deemed a bad actor and be subject to civil penalties under the Act, after an opportunity for hearing, if the cabinet has evidence that a violation of subsection (1) of Section 7 has occurred, or has deemed a logger or operator a bad actor; requires the cabinet to serve written notice of the determination and the provision alleged to have been violated and requires the person complained against to answer the charges at an administrative hearing; allows any person who considers himself aggrieved by any determination of the cabinet to file a petition alleging that the determination is contrary to law or fact and is injurious to him and demanding an administrative hearing;

requires all hearings to be conducted under KRS 224.10-440; allows appeals to be taken from all final orders under KRS 224.10-470; allows any operator or logger who is deemed to be a bad actor or who violates subsection (1) of Section 7 to be, after hearing, assessed a civil penalty not to exceed \$1,000 for each violation; allows sums recovered to be deposited in the Forest Stewardship Incentives Fund; provides concurrent jurisdiction in the Franklin Circuit Court and the Circuit Court where the violation occurred; establishes a Forestry Best Management Practices Board to update Kentucky's forest practice guidelines for water quality management and the Division of Forestry's administrative regulations regarding timber harvesting operations, and to supervise the implementation of the best management practices and the administrative regulations by the Division of Forestry; provides for membership and duties of the board; cites the bill as the "Kentucky Forest Conservation Act".

SB 217

AN ACT relating to medical facility standards.

Amends KRS 216B.015 to define the term "abortion facility"; amends KRS 216B.020 to exempt abortion facilities from certificate of need requirements and to require licensure of abortion facilities including private offices of physicians which are also abortion facilities; amends KRS 216B.042 to require the Cabinet for Human Resources to promulgate administrative regulations setting forth licensure standards for abortion facilities and make these standards available to the public during regular business hours; creates a new section of KRS Chapter 216B to require enforcement as of March 1, 1999, provides that each facility report the information required to the Cabinet for Human Resources on a monthly basis and set forth reporting requirements; creates a new section of KRS Chapter 216B to require written agreements for emergency transportation and treatment of patients of abortion facilities, but provides for patient to be able to choose the ambulance service or hospital in the event of an abortion complication; amends KRS 214.450 to make a technical change; creates a new section of KRS Chapter 15 to provide for injunctive relief by the Attorney General to prevent violations of standards for abortion facilities; amends KRS 216B.990 to provide for suspension of license and fine for penalty.

SB 221

AN ACT relating to riverport authorities.

Amends KRS 65.520 to grant the power to approve riverport authorities to the Transportation Cabinet, Office of the Secretary, instead of the Economic Development Cabinet, and specifies duties in overseeing riverports.

SB 224

AN ACT relating to economic development.

Amends KRS 154.22-040(3) to reduce the minimum investment for a KREDA economic development project from \$500,000 to \$100,000; amends KRS 154.22-040(1) to include counties which exceed 200% of the state unemployment rate for a period of 12 consecutive months; amends KRS 154.28-080 to allow a minimum investment of \$100,000, instead of \$500,000, for an economic development project under the Kentucky Industrial Development Act.

SB 227

AN Act relating to health insurance.

Amends House Bill 315 of the 1998 Regular Session to delete subsection (4) in Section 28; amends Senate Bill 63 of the 1998 Regular Session by inserting commas in subsection (1) of Section 1 of the Act; EMERGENCY.

SB 228

AN ACT relating to dentistry.

Creates a new section of KRS Chapter 313 to allow the Board of Dentistry to form a well being committee to deal with impaired dentists or dental hygienists; protects committee members from liability; requires that records and proceedings of the well being committee which pertain to a licensee who may be, or is, impaired, shall not be considered public records, and shall be subject to court subpoena and discovery in any civil, criminal or administrative proceeding; amends KRS 313.030 to allow students to work, under supervision, in a licensed private practice facility; prohibits fees to be paid to students performing approved charitable work.

SB 230

AN ACT relating to school technology.

Creates a new section of KRS Chapter 156 to require the Kentucky Department of Education to promulgate administrative regulations to prevent sexually explicit material from being transmitted via education technology systems; directs each local school district and school to use the latest available filtering technology to ensure that sexually explicit material is not made available to students; requires each local school district to establish a policy regarding student Internet access.

SB 242

AN ACT relating to school employees.

Establishes a new section of KRS Chapter 161 to require that any references to criminal allegations against a school employee that did not lead to formal charges and all records regarding a criminal proceeding in which the employee was not guilty or charges were dismissed be removed from the employee's personnel file by the superintendent or the superintendent's designee; permits a school district to investigate, take action and keep records on the same or similar matters upon which the allegations were based.

SB 247

AN ACT relating to tobacco growers' assistance and diversification.

Creates various sections of KRS 248 relating to tobacco to create the Agricultural Diversification and Development Council and assign its duties; specifies membership on the council to include a representative of the banking industry, five farmers, and two additional appointees of the Governor, and ex officio members to include the Secretary of the Finance and Administration Cabinet, the Commissioner of the Kentucky Department of Agriculture, the Director of the Cooperative Extension Service, and the Secretary of the Economic Development Cabinet; requires the Department of Agriculture to provide staff for the council and attaches the council administratively to the Finance and Administration Cabinet; activates the council when funds are appropriated by the General Assembly; establishes the Agricultural

Diversification and Development Fund to receive any increase in the cigarette excise tax subsequent to the effective date of the Act, as well as gifts, grants, and other funds; requires the moneys in the fund to be distributed by the Agricultural Diversification and Development Council to quota holders and tobacco growers, to the University of Kentucky and Kentucky State University Extension Service Programs, and the University of Kentucky College of Agriculture to carry out the duties and responsibilities set forth in the Act, to the purchase of agricultural conservation easement corporation, to grants and loans to tobacco growers and tobacco-dependent communities, and to the Kentucky Department of Agriculture for marketing and agricultural diversification and development; establishes the Tobacco Settlement Agreement fund to receive funds from a national tobacco settlement or related federal legislation; allows moneys from the Tobacco Settlement Agreement fund to be used by the council when appropriated by the General Assembly; amends KRS 141.010 to exclude any amount received by a tobacco producer or quota owner from a national tobacco settlement agreement or related federal legislation from state income tax.

SB 248

AN ACT relating to law enforcement.

Creates a new section of KRS Chapter 61 to permit public police departments, sheriff's offices, and the Kentucky State Police, and special local peace officers employed by the property owner to enforce state motor vehicle and traffic residential laws on private property upon agreement with the property owner or property owners' association and to set limits thereon; amends KRS 189.010 by expanding the definition of "highway" to include private roads and parking lots covered by the agreement.

SB 250

AN ACT relating to mediation.

Amends KRS 13B.070 to clarify that government agencies may refer disputing parties to mediation prior to administrative hearing; amends KRS 446.010 to define mediation; creates a new section of KRS Chapter 454 to state Commonwealth policy favoring mediation and to authorize and encourage courts and government agencies to use mediation.

SB 253

AN ACT relating to the designation of coal as the official mineral of Kentucky.

Designates coal as the official mineral of Kentucky.

SB 257

AN ACT relating to teacher salary deductions.

Amends KRS 161.158, to require local school districts to forward salary deductions to the appropriate organization or association within 30 days following the deduction if the district has received the appropriate invoices or documentation.

SB 259

AN ACT relating to motor carriers.

Amends KRS 281.632, relating to the Transportation Cabinet granting temporary authority to operate as a motor carrier, to extend the temporary authority period for one additional 180 day period to allow the department's hearing process to reach a conclusion.

SB 261

AN ACT relating to auctioneers and auction house operators.

Amends KRS Chapter 330 to increase the compensation of board members from \$100 per day to \$12,000 per year; omits the knowledge of bulk sales law for license applicants; requires applicants to have a high school diploma or equivalent; allows licensees to put their licenses in escrow for inactive periods; requires new license posting and filing rules; provides for replacement of lost licenses; requires reciprocal license applicants to pay the same fee as Kentucky applicants are charged, if more than \$100; adds the intentional dissemination of misleading information as a license violation; gives the board the option of issuing a written admonishment in lieu of a hearing for minor violations; increases the maximum liability of the auctioneer's education, research, and recovery fund from \$30,000 to \$50,000 for each claim against a licensee with a lifetime maximum of \$50,000 per licensee; requires the board to keep a minimum of \$500,000 in the fund for recovery and guaranty purposes; deletes obsolete subsections.

SB 263

AN ACT relating to the Kentucky Foundation for the Arts.

Creates a new section of KRS Chapter 153 to establish the Kentucky Foundation for the Arts; creates a foundation board; directs the State Treasurer to invest the fund and permits the foundation board to disburse matching grants from investment income; authorizes the foundation board to perform all necessary duties and promulgate administrative regulations; requires the Kentucky Arts Council to provide staff support and office space.

SB 264

AN ACT relating to child abuse and domestic violence.

Amends KRS Chapter 12.020 to create and establish the Governor's Office of Child Abuse and Domestic Violence Services; amends KRS 12.023 to conform; confirms Executive Orders 96-423 and 96-1620.

SB 265

AN ACT relating to teacher certification.

Amends KRS 161.048 to declare the intent of the General Assembly to provide alternative certification options to recruit persons with exceptional work experience, distinguished scholars, and persons with diverse experiences to enter teaching even though they have not participated in a traditional teaching preparation program; permits a local district to have a local training program; amends KRS 161.046 to permit hiring of an adjunct instructor if it does not displace a teacher with a regular certificate already employed in the district; requires alternative certification candidates to successfully complete the teacher internship program; requires a teacher certified under the provisions of this Act to be placed on the local district salary schedule for the rank corresponding to the degree held by the teacher; permits teachers certified on or before July 1, 1984 to teach gifted education for the grade levels of the base certificate.

SB 269

AN ACT relating to municipal utilities.

Amends KRS 96.530 to assert the authority of the city to give pay raises to the utility commission members as provided; amends KRS 95.520 to give cities of the 2nd-6th classes authority to provide telecommunications services via municipal utility systems; permits cities to enter into interconnection agreements or establish, erect, maintain, and operate utility plants with any electric or combination electric or gas utility or an affiliate as prescribed; permits in-state disposal of an energy surplus only to an electric or combination electric and gas utility or an affiliate as provided.

SB 276

AN ACT relating to probation and parole.

Amends KRS 439.315 relating to payment of fees by probationers and parolees to permit all counties, urban counties, and charter counties, not just urban counties and counties containing a city of the first class, to operate a local probation program.

SB 277

AN ACT relating to recycling in school districts.

Creates a new section of KRS Chapter 160 to require each local board of education to adopt a plan and procedures for recycling white paper and cardboard in all board-owned and operated facilities; exempts districts that have no recycling facility within the county or a reasonable distance, or when a district cannot locate a vendor to service the district without incurring a negative fiscal impact; permits delegation of the planning to schools.

SB 288

AN ACT relating to emergency services personnel.

Amends KRS 65.156 to allow local governments to establish length of service awards programs for volunteer firefighter, life squad, and rescue personnel; amends KRS 72.415 to allow coroners to equip the vehicles they use in the performance of their official duties with one or more flashing, rotating, or oscillating blue lights; amends KRS 189.920 to conform.

SB 295

AN ACT relating to the University of Kentucky Board of Trustees.

Amends KRS 164.131 to add a University of Kentucky nonteaching personnel member to the University of Kentucky Board of Trustees.

SB 296

AN ACT relating to unemployment insurance.

Amends KRS 341.270, relating to unemployment insurance taxes (contributions) to decrease the minimum new employer contribution rate from 3% to 2.7% beginning on January 1, 1999, except that the new employer rate shall be 2.857% if an employer was assigned the 3% rate prior to January 1, 1999, and if "trust fund adequacy" rates are in effect; revises the tax schedule to establish "trust fund adequacy" rates, as the lowest rates in the schedule, when the trust fund balance equals or exceeds 1.18% of the total covered wages in the previous fiscal year; establishes "trust fund adequacy" adequacy rates, that result in lower rates for

positive balance employers, with 0.157% being the minimum rate and 9% being the maximum rate; amends KRS 341.330 to permit, upon request, cash refunds, rather than credit, for tax overpayments of more than \$50; amends KRS 341.380 to increase the minimum weekly benefit amount from \$22 to \$39; increases other benefits, when "trust fund adequacy" rates are in effect, as follows: calculate the weekly benefit rate on 1.235%, rather than 1.185%, of the worker's base period wages, and increase maximum weekly benefit amount from 55% to 62% of the state average weekly wage; amends KRS 341.390 to eliminate reduction of unemployment insurance benefits based on Social Security retirement income; amends KRS 341.392 to make technical correction in a reference to the Social Security Act; amends KRS 341.415 to clarify that recovery or recoupment of benefit overpayments, except for deductions from future benefits, if the overpayment was the result of a departmental error; imposes same lien provision for benefit overpayments as exist for tax delinquencies and provides that the lien continue until the benefit overpayment plus interest and fees have been paid, and to codify an existing policy of deducting 100% of future benefits for overpayment of benefits that resulted from a false statement, misrepresentation, or concealment of material information by a benefit recipient; amends KRS 341.470 to make a technical correction by eliminating a reference to the National Labor Relations Board and to include reference to a referee in proceedings before the Unemployment Insurance Commission; amends KRS 341.490 to include reference to payments collected by the service capacity upgrade fund established in Section 12 of the Act; amends KRS 341.530 to clarify the provision regarding noncharging of part-time employers, who continue to employ workers who are receiving benefits, and to codify an existing policy that prohibits an employer from being deemed the most recent employer unless the worker has worked for the employer in each of 10 weeks whether or not consecutive back to the beginning of the worker's base period; amends KRS 341.540 to conform to a federal requirement that requires that an employing unit that succeeds to or acquires a segregable and identifiable portion of another employing unit shall assume the resources and liabilities of the former employing unit in proportion to the percentage of the payroll or employees assignable to the transferred portion as determined by the secretary, rather than the proportion proposed by the parties in interest; creates a new section of KRS Chapter 341 to create the service capacity upgrade fund in the state treasury that shall be administered separate from all other public funds; requires that the fund shall be used solely for acquisition and upgrading of the technology base, program integrity function and service delivery capacity in support of the programs administered by the Department for Employment Services; provides that the secretary of the Workforce Development shall exercise authority and jurisdiction of the fund; provides for investment of the moneys in the fund and that interest shall be credited to the fund; establishes funding mechanism for the fund that consists of an annual reduction of employers' unemployment insurance tax rates for 3 years, beginning on January 1, 1999, and ending on December 31, 2001; provides that the amount of the reduction for calendar year 1999 shall be 0.075% of an employer's assigned tax rate if the unemployment insurance trust fund balance on December 31, 1998 equals or exceeds 1.18% of the total covered wages paid for the fiscal year ending on June 30, 1998; provides that the reduction effective for calendar year 2000 shall be reduced 40% if the trust fund balance on December 31, 1999, is less than the trust fund balance as of December 31, 1998; provides that if the trust fund balance on December 31, 2000, is less than the trust fund balance as of December 31, 1999, the amount of the rate reduction for calendar year 2001 shall be 40% less than the amount of the rate reduction that was in effect in calendar year

2000; requires that employers whose tax rates have been reduced shall pay into the service capacity upgrade fund an amount equal to the same percentage by which their rates were reduced multiplied by their total taxable wages during that calendar year, and that the payments to the fund shall be paid at the same time and in the same manner as payments are made to the unemployment insurance trust fund; subjects employers to same penalties for failure to make payments to the unemployment insurance trust fund for failure to make payments to the service capacity upgrade fund; requires that interest on moneys in the service capacity upgrade fund shall accrue to that fund; provides that any balance remaining in the service capacity upgrade fund on June 30, 2002, shall be deposited into the unemployment insurance trust fund; repeals KRS 341.285, relating to transitional provisions for nonprofit and governmental employers that elected coverage prior to legislative changes made in 1972 and 1978, and subsequently became reimbursing employers.

SB 300

AN ACT relating to air quality.

Creates a new section of KRS Chapter 224 to prohibit the Natural Resources and Environmental Protection Cabinet from promulgating administrative regulations or imposing permit conditions to control greenhouse gas emissions as provided for by the Kyoto Protocol.

SB 303

AN ACT relating to classified employees in local school districts and declaring an emergency.

Amends KRS 164.131 to define seniority as the total continuous months of service in a local school district position, including all approved paid and unpaid leave; requires local districts to renew annual contracts with classified employees unless written notice of nonrenewal with reasons for the nonrenewal upon request is provided by April 30; grants employee with four years of continuous active service the right to receive notice of the grounds for nonrenewal of contract and opportunity to respond within ten days; grants superintendent authority to reduce workforce due to funding reductions, enrollment, or changes in district or school boundaries and other compelling reasons; requires that reduction of employees shall be based upon seniority and qualifications within each job classification affected; provides recall of employees with more than four years of continuous service based on seniority; EMERGENCY.

SB 304

AN ACT relating to dairy compacts.

Creates new sections of KRS Chapter 260 to authorize Kentucky to enter into a Southern Dairy Compact with certain other states in the south, with approval from Congress; defines terms used in the compact; establishes the rules of construction; establishes a Southern Dairy Compact Commission; sets out the procedures used by the delegates of the commission in voting; establishes guidelines for the administration and management of the commission; specifies the power and authority given to the commission, including the authority to establish commission milk marketing orders and compact over-order prices; establishes guidelines and requirements for the commission to follow in establishing and terminating compact over-order prices; authorizes the commission to require recordkeeping and reporting data from the regulated community; to give the commission the power to issue subpoenas and administer

oaths; establishes guidelines for penalizing handlers who violate the provisions of the compact; allows the commission to borrow money and collect assessments from milk handlers; requires the commission to keep accurate accounting records; establishes the terms to be met and procedures to be used in making the compact valid; establishes the criteria by which the commission's delegation from Kentucky is chosen; amends KRS 260.990 to establish a penalty for handlers who violate regulations adopted by the commission; makes the effective date of the Act the date of enactment of the compact by three of the states given in Section 1 of the Act, and upon consent of Congress to the compact.

SB 307

AN ACT relating to tobacco sales.

Creates a new section of KRS Chapter 438 to prohibit the sale or distribution of cigarettes in units of less than 20 cigarettes.

SB 309

AN ACT relating to school facilities.

Amends KRS 157.622 to direct the School Facilities Construction Commission to promulgate an administrative regulation to provide that all savings to the commission generated since July 1, 1997 shall be dedicated to the district's account by the commission and that accumulated funds shall be used toward the district's next building priority; changes the definition of average daily attendance to adjust for weather-related low attendance days; defines weather-related low attendance day as a school day on which the district's attendance falls below the percentage of average daily attendance for the prior year due to inclement weather; permits substitution of the prior year's average daily attendance for up to ten days upon submission of a request with documentation for approval to the Kentucky board of education.

SB 311

AN ACT relating to mine safety.

Amends KRS 352.145 to require licensee to install visible warning device when underground feeders are in operation; requires operator's cab at a stockpile to have a self-contained self-rescuer equipped with oxygen; requires haulage roadways to have guardrail or similar barrier.

SB 313

AN ACT related to mining.

Amends KRS 351.125 to allow the Department of Mines and Minerals to use their mine emergency technician program for first-aid training; amends KRS 351.194 to reduce from thirty days to twenty days the time required for notice of allegations of a violation against a person involved in the mining of coal; allows ninety days instead of thirty days for the board to issue its determination; amends KRS 352.010 to allow safety lamps to be approved by the Mine Safety and Health Administration; changes the definition of high voltage to include one thousand volts; changes the definition of medium voltage to include up to nine hundred ninety-nine volts instead of one thousand volts; amends KRS 352.230 to reduce from ninety days to forty-five days the time required as mining experience to have

charge of electric face equipment; amends various other sections of KRS Chapters 351 and 352 to make technical corrections.

SB 318

AN ACT relating to miner training and certification.

Amends KRS 351.120, relating to mines and minerals, to require the Department of Mines and Minerals to issue certificates and set the qualifications for surface or underground mine safety instructors and surface mine safety analysts; deletes certification of the position of fire boss; distinguishes between requirements for underground mine certification and surface mine certification; allows temporary certifications to be granted; deletes allowing a mine foreman to act under a certificate issued by another state; redefines "inexperienced coal miners" to mean those who have not worked at least 45 days at a surface mine rather than 90 days.

SB 320

AN ACT relating to the County Employees Retirement System.

Amends KRS 78.616 to provide that cities of the first class which have two or more sick leave programs that employees may purchase up to six months of unused sick leave from employees who retire under the sick leave program in which the majority of employees participate.

SB 326

AN ACT relating to local government.

Amends KRS 67.705 to require the Governor to fill a vacancy in the office of county judge/executive not later than 30 days after the date the vacancy occurs and to require the remaining fiscal court members to elect one of their members to serve as temporary judge/executive until the Governor appoints a replacement, notwithstanding the provisions of KRS 67.080(2) concerning incompatible county offices to the contrary; requires the Interim Joint Committee on State Government, by means of a LRC-appointed 27-member task force comprised of legislators, local government officials, area development officials, and the commissioner of the Department for Local Government, to review the organization, structure, and function of local government and report its recommendations to the Legislative Research Commission by September 1, 1999.

SB 328

AN ACT relating to critical access hospitals.

Creates various new sections of KRS Chapter 216 to define terms including "rural health network" and "secretary"; directs the Cabinet for Human Resources to make application to the Secretary of the United States Department of Health and Human Services to establish a Medicare rural hospital flexibility program; requires the cabinet to develop and submit with the application a Rural Health Plan; amends KRS 216.380 to delete references to "rural primary care hospital" and replace it with "critical access hospital"; adds criteria for relicensure of a general acute-care hospital as a critical access hospital; requires swing beds or a distinct unit of the hospital which is a nursing facility in a critical access hospital to be subject to approval under certificate of need; sets forth services required to be provided by a critical access hospital instead of by a rural primary care hospital; requires a certificate of need

be obtained prior to critical access hospital provision of home health services; deletes mandate for Cabinet for Human Resources to seek a federal Medicaid waiver to permit cost-based reimbursement of services provided to Medicaid recipients in a critical access hospital and instead requires the Cabinet to provide for reimbursement for the services; sets forth staffing plan requirements for a critical access hospital; provides for specified agreements for patient referral and transfer and credentialing and quality assurance when a critical access hospital is part of a rural health network; creates a new section of KRS Chapter 216 to allow hospitals located in a hospital district pursuant to KRS 216.310 to 216.360 to offer specified services and facilities in counties contiguous to the hospital district and obtain a certificate of need where required.

SB 336

AN ACT relating to the Kentucky Birth Surveillance Registry.

Amends KRS 211.660 to direct licensed free-standing birthing centers and general acute care hospitals give access to medical records to the Kentucky Birth Surveillance Registry; requires that any costs associated with the copying of the medical records by the Kentucky Birth Surveillance Registry personnel be borne by the Department for Public Health at the rate identified under KRS 422.317; exempts licensed health facilities from liability by reason of having provided records to the Kentucky Birth Surveillance Registry.

SB 337

AN ACT relating to franchise plan health insurance.

Amends KRS 304.17-390 to specify what constitutes disability insurance on a franchise plan.

SB 339

AN ACT relating to unclaimed property.

Amends KRS 393.060 to establish when property held by a bank or financial organization is presumed abandoned; amends KRS 393.110 to require reports to be filed by November 1 and property to be turned over to the treasury by November 1; requires holder of abandoned property to send notice to the apparent owner except property valued at less than \$100; amends KRS 393.140 to delete provisions relating to posting by claimants that are heirs or relatives; creates a new section of KRS Chapter 393 to allow treasury to auction property after 3 years; amends KRS 393.130 to provide that if property, other than money, is delivered to the state, the owner is entitled to any income or gain realized or accruing on the property at or before liquidation or conversion of the property; amends KRS 393.280 to examine relevant records of a person where it is believed that there is a failure to report property during the preceding reporting period, documents and working papers obtained in the course of conducting the examination are not public records; clarifies that treasury examination documents are not open records; amends KRS 393.130 to provide that an interest-bearing account presumed abandoned shall be held in the name of the state, but that a proper holder of the account may withdraw the property plus any accrued interest; provides that property removed from a safe deposit box or other safekeeping depository is received by the department subject to the holder's right to be reimbursed for the cost of opening the box and to any valid lien or contract providing for the holder to be reimbursed for unpaid or other charges; creates a new section of KRS Chapter 393 to provide that an agreement by an owner

to locate or recover property presumed abandoned is void if entered into during the period beginning on the date the property was presumed abandoned until 24 months after the date the property is paid or delivered to the department; provides conditions under which such agreement is enforceable; amends existing provisions to provide that the Department of Financial Institutions may examine relevant records of banking organizations and financial institutions if there is reason to believe that there has been a failure to report abandoned property; repeals KRS 393.025 and KRS 393.070.

SB 343

AN ACT relating to insurance.

Amends KRS 304.29-171 to increase from \$500 to \$10,000 the maximum amount a fraternal benefit society can pay for funeral benefits.

SB 351

AN ACT relating to pharmaceutical services for Medicaid.

Creates various new sections of KRS 205.510 to 205.630 to define the terms "available" and "new drug" with certain exclusions; directs that no prior authorization be required for reimbursement of any claim involving a drug covered by Medicaid on the effective date of the Act, for a period of at least 12 months, during which time the Drug Management Review Advisory Board may review the product; requires the Department of Medicaid Services to analyze drug class reviews and economic impact until administrative regulations are promulgated and requires completion of 50% of class reviews within 12 months of effective date; requires the Drug Management Advisory Review Board to coordinate the use of utilization data to identify appropriate use of pharmaceuticals and determine any need for educational interventions; requires interventions to be evaluated for at least 6 months; directs the Department for Medicaid Services to promulgate an administrative regulation setting forth procedures by which all products are placed in the prior authorization drug file; allows the commissioner of the Medicaid Services Department to prior authorize any product the commissioner determines may pose any significant safety issues or impose inappropriate financial burden upon Medicaid programs; placements on prior authorization file shall have an initiate review by Drug Management Review Advisory Board; directs that drug reviews related to prior authorization decisions not take longer than 90 days; requires cabinet to implement specified provisions; requires the Cabinet for Human Resources Secretary to establish and appoint membership on a Drug Management Review Advisory Board; sets forth membership, terms of office, with staffing support provided by the cabinet; establishes duties of Drug Management Review Advisory Board including review standards for prospective and retrospective drug reviews; identifies and evaluates educational interventions, standards for identification of abuse and fraud; submits annual report containing nature and scope of retrospective drug utilization program including all criteria used, summary of educational activities and their effectiveness, evaluation of prospective drug use software, policies for pharmacies that do not use computers; advises cabinet on cost-effective quality care and criteria for publication of information about new products; requires the Board to conduct open meeting and maintain open records; requires the Board establish procedures for interested parties to present to the Board; establishes procedures for parties aggrieved by the Board's recommendations, including appeals of decisions of the commissioner; amends KRS 205.561, relating to the annual report to the Governor and LRC on the cost to pharmacies of

dispensing prescription medications to Medicaid recipients, to also include data on the most utilized and abused drugs in Medicaid, a determination of factors causing high drug costs and drug usage rates of Medicaid recipients, objectives and timelines for cost containment in the Medicaid drug program, comparative data from other states, and the cost effectiveness of the drug formulary and prior authorization process; requires the annual report to be developed with the advice of the Drug Management Review Advisory Board; makes technical corrections.

SB 352

AN ACT relating to Article 3 of the Uniform Commercial Code.

Repeals the following sections of the Uniform Commercial Code relating to negotiable instruments: KRS 355.3-701, 355.3-801, 355.3-802, 355.3-803, 355.3-804, and 355.3-805; makes Act retroactive to January 1, 1996, the effective date of the repeal of the former Article 3.

SB 353

AN ACT relating to casualty insurance.

Repeals KRS 304.3-245 which required casualty insurance companies to report to the commissioner closed claim information as an exhibit to its annual statement.

SB 354

AN ACT relating to the motor vehicle commission.

Amends KRS 190.058, relating to the membership of the Motor Vehicle Commission, to allow a member to voluntarily disqualify himself from commission proceedings if the member has a financial interest in the proceeding; provides for the remaining members to constitute a quorum excluding any disqualified commissioner; provides for the commission to be able to exercise all its powers and duties without a disqualified commissioner; amends KRS 190.067, relating to the oversight function of the Department of Vehicle Regulation, to provide for the department to conduct business of the commission if the commission is unable to perform its duties.

SB 355

AN ACT relating to occupational therapists.

Amends KRS 319A.100 to make a technical clarification; amends KRS 319A.020 to increase the number of members on the Kentucky Occupational Therapy Board from 5 to 7.

SB 357

AN ACT relating to wineries.

Amends KRS 241.010 to include the definition of "farm winery" and amends KRS 243.730 so that farm wineries pay excise taxes quarterly.

SB 360

AN ACT relating to "Kentucky Harvest Day."

Designates November 15th as the annual "Kentucky Harvest Day".

SB 364

AN ACT relating to environmental protection.

Amends KRS 224.01-400 which requires the characterization of releases of hazardous substances, to allow the use of existing or proposed engineering or institutional controls to manage the release of a hazardous substance.

SB 373

AN ACT relating to moneys deposited with the circuit clerk.

Amends KRS 30A.200 relating to third party deposits handled by the circuit clerk in criminal and traffic cases to include a 5% handling fee to be assessed against the depositor at time of deposit; specifies permitted use of the fees collected.

SB 374

AN ACT relating to the certificate of need process.

Amends KRS 216B.086 to provide for an additional six (6) months extension for certain projects, not to exceed a total time period of forty-two (42) months.

SB 376

AN ACT relating to underinsured motorist coverage.

Amends KRS 304.39-320 on underinsured motorist coverage to provide that if the injured person agrees to settle a claim for an amount that does not fully satisfy the claim for injuries or death, written notice of the proposed settlement must be sent to all underinsured motorist insurers that provide coverage; requires the underinsured motorist insurer to respond within 30 days; permits the injured party to proceed with settlement if underinsured motorist insurer gives authorization or fails to respond within 30 days; provides that the injured party may agree to settle a claim with a liability insurer for less than the underinsured motorist's full liability policy limits; permits an underinsured motorist insurer to seek subrogation against the liability insurer and the underinsured motorist for the amounts paid to the injured party; provides that if the underinsured motorist insurer to preserve its subrogation rights by refusing to settle, the insurer must pay the injured party within 30 days the amount of the offer from the underinsured motorist's liability insurer; provides that the underinsured motorist insurer is entitled to a credit against total damages in the amount of the limits of the underinsured motorist's liability policy even if the settlement or payment by the underinsured motorist insurer is for less than the underinsured motorist's full liability policy limits.

SB 380

AN ACT relating to marriage and family therapists.

Amends various sections of KRS 335.300 to 335.999 to license, rather than certify, marriage and family therapists; issues permits to marriage and family therapy associates who are practicing under the supervision of a licensed marriage and family therapist; further defines the practice of marriage and family therapy and the requirements for licensure, including education or experience with psychopathology and the Diagnostic and Statistical Manual; to enlarge the Kentucky Board of Licensure of Marriage and Family Therapists to seven (7) members; begins paying members for performing their official duties; lists additional

responsibilities of the board; further defines the licensing and renewal process; defines what constitutes a violation under the chapter and what disciplinary options are available to the board; repeals KRS 335.335; includes transition provisions; delays effective date.

SB 390

AN ACT relating to state contracts.

Amends KRS 45A.190 to permit performance bonds to be required on state contracts for commodities, supplies, equipment, or services in an amount in excess of \$25,000, and on contracts for construction costing \$25,000 or less; requires the agency contract administrator to evaluate whether a performance bond should be required and to make a recommendation to the purchasing agency; requires performance audits upon completion of 1/3 and 2/3 of the contract and annually for contracts over 1 year; requires the user agency head to make a final recommendation on the performance bond to the purchasing agency; requires the purchasing agency to file a written explanation if the recommendation of the user agency is not followed; provides for electronic signatures and electronic transmission of documents relating to this process.

SB 392

AN Act relating to title pledge loans.

Creates a new section of KRS Chapter 368 to define terms, to authorize a title pledge lender to make loans of money on pledges of titled personal property, to exempt title pledge lenders from KRS Chapter 360, and to establish a five (5) year statute of limitations for an action to be brought by a pledgor; creates a new section of KRS Chapter 368 to require title pledge lenders to obtain a license; creates a new section of KRS Chapter 368 to establish the requirements to qualify for a license; creates a new section of KRS Chapter 368 to establish the information and manner of the application for a license; creates a new section of KRS Chapter 368 to require an annual fee of five hundred dollars (\$500); creates a new section of KRS Chapter 368 to require an examination by the department of every title pledge lender at least once, and not more than twice, every twenty four (24) months; creates a new section of KRS Chapter 368 to exempt the Commonwealth, the commissioner, and any examiner from liability regarding the examination of a title pledge lender; creates a new section of KRS Chapter 368 to establish that reports and other information relating to the examination is confidential, with certain specific exceptions; creates a new section of KRS Chapter 368 to require that a fee be collected by the department for any examination; creates a new section of KRS Chapter 368 to require a title pledge lender to keep records of agreements executed, to keep a copy of an agreement for a period of two (2) years, and to set forth the information that is required in each title pledge agreement; creates a new section of KRS Chapter 368 to allow a title pledge lender to record the lender's security interest, and to allow the lender to require the pledgor to execute a power of attorney when signing the agreement; creates a new section of KRS Chapter 368 to require a title lender to be subject to the fees and other charges provided in KRS 288.530; prohibits a title loan transaction from being renewed, rolled over or consolidated more than three times; requires the title pledge lender to issue to the pledgor a disclosure form in compliance with the Federal Truth-in-Lending Act, and to set forth that by agreement the parties may renew the maturity date for additional thirty (30) day periods; creates a new section of KRS Chapter 368 to set forth that the pledgor be entitled to a release of the interest and lien upon satisfaction of all outstanding obligations in accordance

with the agreement, and that the power of attorney then be stamped "void"; creates a new section of KRS Chapter 368 to establish that if the pledgor fails to pay all of the principal, interest, and fees owing to the lender, the lender has the right to possession of the property without judicial process; creates a new section of KRS Chapter 368 to require that after the lender has taken possession of the property the lender must wait twenty (20) days before disposing of the property, to establish that all interest and fees other than storage fees cease to accrue, to establish that during the twenty (20) day period the pledgor has the sole right to redeem the property by paying all principal, interest, and fees, and to require that after the twenty (20) day period the property be sold within sixty (60) days in a commercially reasonable manner after notice is sent to the pledgor and to other qualifying secured parties, and to require that proceeds of the sale be applied to the amount owed the lender, and that any surplus be remitted to the pledgor; creates a new section of KRS Chapter 368 to prohibit the title pledge lender from certain specific actions, activities, and business transactions; creates a new section of KRS Chapter 368 to establish civil and criminal penalties.

SB 395

AN ACT relating to motor vehicles.

Amends KRS 186.020, relating to the requirement to register a motor vehicle, to provide notice of motor vehicle registration renewal within 45 days, rather than 30 days, prior to expiration of the registration to conform with the provisions of KRS 186A.035; amends KRS 186A.035, relating to registration of motor vehicles by the owner's birth month, to delete the reference to the \$1 clerk's fee for registering a motor vehicle by mail to conform with the \$2 fee established in KRS 186.020; amends KRS 186A.105, relating to information required to issue a temporary registration tag, to establish a 30 day expiration limit on temporary registration tags; amends KRS 186.570, relating to denial or suspension of a driver's license, to delete the \$100 fee paid to non-state government members of the medical review board; amends KRS 186.1864, relating to youth soccer plates, to extend the application deadline until 12/31/98 and to change the design of the youth soccer plate; amends KRS 190.010, regarding definitions for motor vehicle sales statutes, to clarify the definition of a restricted motor vehicle dealer by including under the definition automotive recycling dealers in business "for the purposes of harvesting used parts, components, assemblies, and recyclable materials for resale, reuse, or reclamation"; repeals KRS 186.276, relating to seat taxes on airport shuttle vehicles.

SB 396

AN ACT relating to jailers' salaries.

Amends KRS 441.245 to require counties to pay each jailer employed on or after January 6, 1999 a minimum salary of \$20,000; provides that jailers who do not run full service jails have a salary that at least equals the previous year's salary which may be set at a higher level and increased per the consumer price index requirements; amends KRS 64.527 to accommodate the difference between jailers who run full service jails and those who do not.

SB 399

AN ACT relating to highways.

Creates various new sections of KRS Chapter 177, relating to state and federal highways, to define "advertising device", "archaeological quality", "cultural quality", "historic

quality", "intrinsic quality", "natural quality", "outdoor advertising device", "recreational quality", "scenic byway", "scenic highway", and "scenic quality"; requires the Transportation Cabinet to coordinate with the Tourism Development Cabinet and the Kentucky Heritage Council to develop criteria for designating roads as scenic byways; prohibits billboards from being erected along a scenic byway; requires the Transportation Cabinet to remove the scenic designation of KY 101 and KY 259 in Edmonson County upon the effective date of this Act; grandfathers all other roads currently designated as scenic byways under the provisions of this Act.

SB 438

AN ACT relating to block grants.

Amends KRS 45.353 to require that only a majority of the members present at a public hearing give approval to the findings of fact and other reports and recommendations of the designated review body considering a block grant application.

SENATE RESOLUTIONS

SCR 2

Requests the Legislative Research Commission to re-establish the Subcommittee on Veterans' Affairs for the 1998-99 interim, members to be appointed by the Legislative Research Commission.

SCR 3

Requests reauthorization of the Tobacco Task Force.

SJR 76

Names the segment of U.S. 62 from Beaver Dam to Leitchfield the "Blue Moon of Kentucky Highway" and the segment of KY 231 from Beaver Dam to Hartford the "Bill Monroe Memorial Parkway"; also directs the Transportation Cabinet to erect signs on Preston Highway from milepoint 0.00, at the Jefferson County line, and extending north to milepoint 0.33 the "Jamie Lee Burke Memorial Highway".

SJR 87

Names part of the Wetherby Trail in Clay County in honor of Governor A. B. "Happy" Chandler.

SCR 88

Directs the Legislative Research Commission to establish a Task Force on Funding for Tourism Development to study the long-term funding needs of tourism during the 1998-1999 interim to be reported to the Legislative Research Commission no later than October 1, 1999.

SCR 95

Directs the Legislative Research Commission to create a Task Force on Historic Properties to study preservation, restoration, maintenance, oversight, and management of state-owned historic buildings and grounds, and makes recommendations relating to centralized management, long term planning, and developing a database; directs the LRC to appoint a Senate and a House member of the Capital Planning Advisory Board, a Senate and House member of the Appropriations and Revenue Committees, a member of the Senate and a member of the House, and four citizen members; prescribes additional membership; directs the President of the Senate and the Speaker of the House to designate co-chairs from among the members from their respective chambers; directs task force to report to the Capital Planning Advisory Board by July 1, 1999.

SJR 118

Directs the Kentucky Coal Marketing and Export Council to review incentives to encourage the mining of economically marginal seams of coal and requires a report to the Interim Joint Committee on Agriculture and Natural Resources before the 2000 legislative session.

SCR 126

Creates a Task Force on Adult Education composed of 6 members appointed by the President of the Senate, 6 members appointed by the Speaker of the House of Representatives, and 6 members appointed by the Governor to develop recommendations and an implementation plan for raising the literacy level and educational attainment of Kentucky's adults who have not graduated from high school or who have poor literacy skills; requires that a report be submitted to the Governor and the LRC no later than September 1, 1999.

SCR 131

Reauthorizes the 1996 Task Force on Funding for Wildlife Conservation for the limited purpose of holding two meetings to oversee the implementation of its October 1997 report recommendations.

HOUSE BILLS

HB 1

AN ACT relating to water safety and declaring an emergency.

Amends KRS 235.010 to define "personal watercraft"; creates a new section of KRS Chapter 235 to establish age limits for operators and other criteria to enhance the safe operation of personal watercraft; amends KRS 235.240 to establish penalties for boating under the influence; defines "safe boating certificate"; allows nonresidents 12 through 17 years old to operate a motorboat or personal watercraft if they have a Kentucky safe boating certificate or a recognized license or certificate from another state or country; prohibits the operation of a boat while the operator is under the influence of a substance which impairs driving ability; deems a person who operates a boat to have given consent to a test for alcohol or drugs by an officer who has probable cause to believe there is an offense; specifies that the penalties for drunk driving do not apply to boating violations, and that refusal to submit to a test for intoxication is an offense subject to the penalties provided in the bill; allows that completion of a safe boating course may be required in lieu of or in addition to the other specified penalties; limits responsibility to a parent, legal guardian, or other adult with direct supervision over a minor under the age of 18 who is operating a motorboat or personal watercraft; declares an emergency.

HB 2

AN ACT relating to elementary and secondary education.

Creates new sections of KRS Chapter 158 to set forth findings regarding religious liberty and free speech rights of students; defines terms; prescribes rights of students to participate in various religious activities at school, subject to certain conditions; prescribes administrative remedies and a civil action; defines the relationship between the Act and the Constitution, and other federal, state, or local law; prohibits teachers from encouraging any religious or antireligious activity; requires the Department of Education to send copies of the Act to local school officials; provides that the Act may be cited as the Nicole Hadley, Jessica James, and Kayce Steger Act.

HB 3

AN ACT relating to state financial administration.

Creates a new section of KRS Chapter 45.750 to 45.810 to require a state agency, public institution of higher education, or an affiliated corporation to obtain authorization from the General Assembly before entering into one of two types of agreements for the use, purchase, or acceptance of real property or equipment with a value in excess of \$400,000; amends KRS 45.760 to prohibit the person charged with executing a branch budget from constructing a capital construction item in a manner which changes its purpose, size, location, or title and description as set forth in the branch budget bill, statutory budget memorandum, and other documents.

HB 4

AN ACT relating to water pollution.

Creates and amends sections of KRS Chapter 235 relating to boats and boating to define marine sanitation device; prohibits keeping a motorboat equipped with marine toilet

facilities on the waters of the state unless equipped with a marine sanitation device; defines "federally regulated commercial vessel"; excludes federally regulated commercial vessels from the definition of motorboat; requires an applicant for a motorboat title and registration or registration renewal to state if the motorboat has toilet facilities; requires boat marina owners to provide access to sewage pumpout facilities by July 15, 2000; authorizes officials of the Department of Fish and Wildlife Resources to enter upon boats to inspect marine sanitation devices; allows a marina owner to contract for pumpout services with a marina within eight miles; allows the Department for Fish and Wildlife Resources to enter into agreements with qualified parties to accept inspections of marine sanitation devices; allows the penalty for failure to install pumpout stations to be assessed each day the violation continues; provides for higher penalties for repeated marine sanitation violations by boat operators; allows landspreading of septic tank sewage at approved sites even when a wastewater treatment plant is in the area; repeals KRS 235.450, 235.460, 235.470 and 235.480; delays the effective date of certain provisions until July 15, 2000.

HB 6

AN ACT relating to voting and declaring an emergency.

Amends KRS 118.035 to require that polls be open until the last voter who is waiting in line to vote at 6 p.m. has voted, instead of closing at 7 p.m. regardless of whether all voters in line at 6 p.m. have voted, and to require the precinct election sheriff to perform certain duties to ensure that voters who are in line to vote at 6 p.m. get to vote, but that voters subsequently arriving at the polls do not; EMERGENCY.

HB 13

AN ACT relating to marriage.

Creates a new section of KRS Chapter 402 to render a same sex marriage, which occurs in a foreign jurisdiction, void and unenforceable in Kentucky; creates a new section of KRS Chapter 402 to define marriage; amends KRS 402.020 to prohibit same sex marriage in Kentucky; prohibits marriage among more than 2 persons; amends KRS 402.040 to make invalid a same sex marriage involving a resident of Kentucky who marries in another state; amends KRS 402.030, 402.210, and 402.260 to conform.

HB 15

AN ACT relating to special local peace officers.

Amends KRS 61.360 to allow special local peace officers who are residents of the Commonwealth to be employed and serve in counties other than the county of the officer's residence; amends KRS 61.300 to conform.

HB 17

AN ACT relating to abandoned motor vehicles.

Amends KRS 189.751, relating to vehicles abandoned on city or county streets, to reduce the time from seven days to three days that a vehicle may be left on the road before it is presumed to be abandoned and may be towed; amends KRS 189.752, relating to definitions; amends KRS 189.753, relating to vehicles abandoned on state roads, amends KRS 189.990, relating to penalties to conform.

HB 27

AN ACT relating to capital punishment and declaring an emergency.

Amends KRS 431.220, relating to execution of a death sentence, to allow the condemned, sentenced to death prior to the effective date of the Act, to choose between electrocution and lethal injection as the method of execution; requires that lethal injection be the sole method of execution for all individuals sentenced to death on or after the effective date of the Act; limits physician involvement in capital punishment to certifying cause of death, provided that the condemned is declared dead by another person; amends KRS 431.240 to grant the warden the discretion to determine when an execution shall take place on the day designated in the judgment of conviction, the governor's warrant, or an order of the court; amends KRS 431.250 to permit 3 members of the victim's family to attend the execution; requires that one media witness of capital punishment shall be from the daily newspaper with the largest circulation in the county where the execution will be conducted; creates a new section of KRS Chapter 431 to require that if a court strikes down lethal injection as a method of execution, electrocution shall survive as a method of execution; creates a new section of KRS Chapter 431 to apply the Act retroactively to prisoners sentenced to death prior to the effective date of the Act; EMERGENCY.

HB 28

AN ACT changing the classification of the City of Crescent Springs, in Kenton County.

Reclassifies the city of Crescent Springs in Kenton County from a city of the fifth class to a city of the fourth class.

HB 31

AN ACT relating to animal euthanasia.

Amends and creates various sections of KRS 321 to require the Board of Veterinary Examiners to issue to a qualified animal control agency a certificate that authorizes the agency to apply to the federal Drug Enforcement Agency for a restricted controlled substance registration certificate, to permit the purchase and use of sodium pentobarbital or other drugs for administration by a certified animal euthanasia specialist; requires the board, upon submission of a complete application, payment of a fee, and successful completion of a board approved animal euthanasia specialist training course by the applicant, to issue to a qualified person a certificate to function as a certified animal euthanasia specialist; requires euthanasia of animals in a certified animal control agency to be performed by a licensed veterinarian, including a registered veterinary technician or technologist functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia specialist; allows a certified animal control agency that employs a certified animal euthanasia specialist to purchase and administer sodium pentobarbital and other drugs approved by the board for the euthanasia of animals; requires the applicant to comply with administrative regulations which contain standards for proper storage and handling of the drugs the board authorizes for use; requires sodium pentobarbital and other drugs approved by the board to be the only drugs used for the euthanasia of animals in a certified animal control agency; requires violations of the provisions of Section 2 of the Act to be a misdemeanor.

HB 36

AN ACT relating to retirement.

Creates a new section of KRS Chapter 78 to provide that service credit for noncertified school board employees be calculated by rounding up to the next whole month, rather than by rounding to the nearest whole month, for service after July 1, 1998, and retroactively for school years 1996-97 and 1997-98; provides that after July 1, 1998, funding for payment for the additional cost resulting from the rounding-up procedure be paid at the time of retirement of the individual rather than on the amortized basis and provides that if payment is not made the member loses entitlement to the service; requires the board to give the Kentucky Education Support Personnel Association 24 hours notice of board meetings to the extent possible.

HB 37

AN ACT relating to marriage and declaring an emergency.

Amends KRS 402.020 to prohibit the marriage of a person under the age of 16, unless the female is pregnant and a District Court Judge grants permission to marry; amends KRS 402.030 to permit a court having general jurisdiction to declare void, under certain circumstances, the marriage of a person who was under 16 at the time of the marriage; amends KRS 402.210 to require a person under 16 to present a certified court order to a county clerk to obtain a marriage license from a county clerk.

HB 38

AN ACT relating to reemployment of retirees.

Amends KRS 61.637 to allow members of the state retirement systems retired under the provisions of KRS 61.597 to be reemployed and participate in the same retirement system from which they retired as long as the reemployed member is employed in a non-hazardous position, with payments and benefits from the original system to remain unaltered.

HB 39

AN ACT relating to agriculture and declaring an emergency.

Creates new sections of KRS Chapter 453 to define "tobacco grower" and "warehouseman"; specifies how proximate cause in suits against those persons is determined; allows a defendant to be entitled to three times the costs of defending an action if suit is dismissed or defendant prevails; creates a new section of KRS Chapter 452 to specify the venue in such cases.

HB 45

AN ACT relating to sales and use tax.

Amends KRS 139.480 to exempt buffalo and various items used in raising buffalo from the sales and use tax; EFFECTIVE August 1, 1998.

HB 48

AN ACT relating to public parks.

Amends KRS 97.590 to allow all classes of cities, counties, charter counties, and urban-county governments to levy taxes not exceeding five cents (\$0.05) on each one hundred dollars (\$100) of all taxable property within the corporate limits for the purpose of purchasing

and maintaining public parks; requires local governments to have voter approval prior to levying the allowed tax; specifies that the public referendum provisions shall not apply to any local government that is already levying a tax for park purposes in accordance with KRS 97.550 or 97.590; amends KRS 97.550 to allow the city legislative body, the fiscal court, or the legislative body of a charter or urban-county government to appoint a park board of not more than eight persons; amends KRS 147A.028 to raise the amount of grant money the Department of Local Government may provide through the local government parks and recreational facilities fund from the current amount of \$100,000 to \$500,000; creates a new section of KRS Chapter 97 to allow two or more counties to form a regional park authority; sets out procedures for establishing an authority or joining an established authority; creates governing board for the authority, to be made up of three citizens from each participating county.

HB 49

AN ACT relating to construction within flood plains.

Creates a 19 member task force to study flood plain development in counties containing a city of the first class as provided; provides that the task force begin its activities by August 31, 1998 and complete its activities by September 1, 1999 with a report to the LRC, requires that the chair and vice chair be appointed from legislative members as provided; provides that the task force be staffed by LRC and funded from the regular commission budget at approximately \$30,000; creates a new section of KRS Chapter 198B to require building permits be issued to rebuild commercial businesses and single family dwellings located on properties in the flood plain in counties with cities of the first class and cities within those counties.

HB 50

AN ACT relating to school personnel.

Amends KRS 161.185 to allow nonfaculty coaches to accompany students on school-sponsored or school-endorsed trips; requires a nonfaculty coach or nonfaculty assistant be at least 21 years of age, not be a violent offender or convicted of a sex crime, as defined by KRS 17.165, have a criminal record check, and successfully complete specified training by the local school district.

HB 51

AN ACT relating to the approval of capital projects.

Approves and authorizes the construction and operation of two (2) one hundred twenty (120) bed veterans' nursing homes, one in western Kentucky and the other in eastern Kentucky.

HB 52

AN ACT relating to law enforcement and fire protection.

Amends various sections of KRS Chapters 15 and 95A to add sheriffs, deputy sheriffs, including those providing courtroom security, and state university police to the provisions of the Kentucky Law Enforcement Program fund while ensuring that sheriffs retain their constitutional salary limits; increases all payments to qualified police and professional firefighters, in the Firefighters Foundation Program fund to \$2,750 per year through July 1,

1999, and thereafter increases it to \$3,000 per year; increases payments to qualified volunteer fire departments to \$6,500 through July 1, 1999 and then \$7,500 thereafter; eliminates any lapsing function of the fund to the general fund of Kentucky after July 1, 1999; creates new sections of KRS Chapter 70.260 to 70.273 to define how deputy sheriff merit board rules are to be posted, and what the minimum composition of the rules are to be; requires merit boards to have a qualified person, who is not subject to the sheriff's department, design and give tests for merit positions; establishes a set percentage of the tests, oral and written, and provides privacy for the reporting of the scores, as well as protocol for the sheriffs in promoting those persons taking the tests.

HB 53

AN ACT relating to high school diplomas and declaring an emergency.

Establishes the Education Assessment and Accountability Review Subcommittee as a permanent subcommittee of the Legislative Research Commission composed of 8 legislative members to review administrative regulations relating to the state's assessment and accountability program and advise the Kentucky Board of Education (state board) in its planning and implementation; establishes a seventeen member School Curriculum, Assessment, and Accountability Council appointed by the Governor from recommendations of various education interest groups to advise the state board and the Legislative Research Commission (LRC) on all issues related to setting academic standards, assessment, and accountability; establishes the National Technical Advisory Panel on Assessment and Accountability made up of at least three professionals contracted by LRC to advise the LRC and upon its approval, the state board, and the Department of Education, in education testing and measurement; requires the state board to revise the Program of Studies identifying the common curriculum content tied to the goals, outcomes, and the assessment program and to distribute the information to schools and districts; requires the student transcript to include assessment scores that are valid and reliable; permits the local board to award a diploma posthumously indicating graduation with the high school class the student was expected to graduate; names the statewide assessment program the Commonwealth Accountability Testing System (CATS); requires the state board to seek the advise of the Office of Education Accountability (OEA), the School Curriculum, Assessment, and Accountability Council, and the National Technical Advisory Panel on Assessment and Accountability, in designing the new assessment system that shall include a customized or commercially available norm-referenced test, open-response or multiple-choice items and an on-demand assessment of writing, writing portfolios and performance assessment events for students enrolled in performing arts, and a technically sound longitudinal comparison of the assessment results for the same students; requires the assessments to measure grade appropriate core academic content, basic skills, and higher order thinking skills, to provide valid and reliable school scores, to minimize the time spent on assessment by teachers and students, and requires assessment results be reported to the schools and school districts; requires that any scores reported for individual students be valid and reliable; requires the department to establish the validity of the assessment program and develop a plan for validation studies that shall be submitted each biennium and a report of findings be submitted the second year to the LRC; requires the results of the state assessment to be reported no later than September 15 of the following school year; requires the state board to establish the components of a school report card and report data by race, gender, and disability when appropriate, and requires schools to

send the report card to parents and to publish a district summary in the newspaper; requires the state board to establish the new accountability system, after receiving advice from the Office of Education Accountability (OEA), the School Curriculum, Assessment, and Accountability Council, and the National Technical Advisory Panel on Assessment and Accountability; requires that rewards be distributed to successful schools for school purposes as determined by the school council; requires consequences be imposed for schools failing to improve to include a scholastic audit, school improvement plans, eligibility to receive commonwealth school improvement funds, education assistance from highly skilled certified staff, evaluation of school personnel, and student transfer to successful schools; requires the state board, after seeking advice, to establish a formula for school accountability with an improvement goal set for each school for the 1998-99 and 1999-2000 school years using the academic and nonacademic components that are administered in a consistent manner during the four-year period, with 1996-97 and 1997-98 serving as baseline years; rewards schools that exceed their thresholds and have a dropout rate below 8%; requires a scholastic audit of schools identified by the board as failing to improve to determine whether to assign a highly skilled educator in an advisory capacity and to develop a school improvement plan; authorizes the state board to establish a system of district accountability; requires the Department of Education to provide quarterly reports to the Interim Joint Committee on Education concerning its plan for implementing the new state assessment and accountability system and addresses recommendations from the Catterall, et al. report; provides for the close out of the accountability cycle by administering the 1997-98 KIRIS as designed; distributes \$27 million in rewards to schools exceeding their baseline and their thresholds and transfers \$3 million from the Successful Schools Trust Fund to the School Improvement Fund for distribution to schools in decline and in crisis; reclassifies schools designated as "in crisis" based on data obtained in Accountability Cycle 2 or 3 as "in decline"; and requires outstanding Accountability Cycle II rewards to be distributed within two (2) weeks of the effective date of the Act; EMERGENCY.

HB 54

AN ACT relating to shooting ranges.

Creates new sections of KRS Chapter 237 to provide that a shooting range is only subject to nuisance law and ordinances in effect at the time the shooting range was established; provides that a new date of commencement of activities is created when noise at range triples; provides for measurement of noise; provides that only persons adjacent to range may file complaints for noise or nuisance.

HB 56

AN ACT relating to local air boards.

Amends KRS 183.132 regarding the membership of air boards in a city of the first class and the county containing that city to delete the ten member requirement; specifies that if there is an incorporated alliance of incorporated neighborhood associations and fifth or sixth class cities representing citizens living within a five (5) mile radius of airport operations, the Governor shall appoint one (1) member of the executive board of an alliance as an additional member to the air board; requires that if more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of all the incorporated alliances.

HB 58

AN ACT relating to sales tax.

Amends KRS 139.480 to exempt fuel for agriculture use, retroactive for sales made on or after January 1, 1997.

HB 60

AN ACT relating to legal representatives.

Creates a new section of KRS 311.621 to 311.643 to require a court appointed fiduciary, charged with the care and protection of a person, to be bound by the terms of the person's advance living will directive; amends KRS 386.093 to define "durable power of attorney"; establishes the responsibilities of an attorney in fact and a fiduciary when a durable power of attorney is in effect; amends KRS 387.530 to require that a petition, for a determination of partial disability or disability and appointment of a guardian, shall state the name and address of the respondent's attorney in fact under a durable power of attorney and the respondent's health surrogate with authority to make decisions under a living will directive; amends KRS 387.600 to permit a court to name a person with power of attorney for an individual as that individual's limited guardian, guardian, limited conservator, or conservator.

HB 61

AN ACT relating to civil actions.

Amends KRS 391.035 to make a court judgment pertaining to intestate succession conclusive evidence of the facts determined therein as against all parties, whether known or unknown; amends KRS 396.205 to limit civil actions against a personal representative or distributee.

HB 62

AN ACT relating to elections and declaring an emergency.

Amends KRS 116.055 to establish December 31 immediately preceding a primary as the date by which a voter may change political party affiliation and still be eligible to vote in the next primary; amends KRS 118.315 to establish December 31 immediately preceding a regular election as the date by which a person must have been registered as an independent to be on a regular election ballot as an independent candidate; amends KRS 117.045 to eliminate the requirement for appointment of precinct election officers in non-election years unless a special election is ordered in a non-election year, and to permit a county board of elections to appoint up to two additional precinct officers for a precinct, and to permit persons to serve as precinct election officers who have been registered as a member of a political party for one, instead of two, years; amends KRS 117.075, 117.077, 117.086, 117.0863, and 117.087 to clarify language regarding absentee ballots; amends KRS 117.085 to permit voting by paper absentee ballot for a person who will be out of the county because of his employment on election day and during all times that absentee voting is conducted on a voting machine in the county clerk's office prior to the election; amends KRS 117.187 to specify that precinct election officers must be trained before each primary and regular election; amends KRS 117.255 to restructure the language regarding requests for and receipt of assistance in voting to require that all persons requiring voting assistance be assisted by two precinct election judges unless they have brought someone with them to provide assistance; amends KRS

117.265 to prohibit a person from being a write-in candidate for more than one office in an election; amends KRS 160.210 to permit a school board to alter school board district boundaries more often than every five years when necessary to conform with voting precinct boundaries; provides that voters who have changed political party affiliation since the last regular election up to the effective date of the Act would be allowed to vote in their new party's primary in May, 1998 and that persons who are not registered to vote on the effective date of the Act who register after the effective date of the Act while the registration books are open may vote in the primary if they have not changed their party affiliation since registering; EMERGENCY.

HB 63

AN ACT relating to campaign finance.

Amends KRS 121.150 to permit candidates to solicit and accept contributions after the date of an election to defray expenses that arise after the election associated with an election contest, recount, or recanvass, an allegation of a campaign finance violation filed with the Registry of Election Finance, or other legal action pertaining to which a candidate, slate of candidates, or campaign committee is a party, and to allow candidates up to sixty days after an election to reconcile any overage of receipt of PAC contributions to their campaigns; amends KRS 121.170 to require a PAC or party executive committee to inform the registry of a change in campaign treasurer in the same manner as candidates are required to do; amends KRS 121.180 to allow party executive committees the same five day grace period for filing campaign finance reports as candidates and PACs have, to permit write-in candidates to file and revoke requests for exemptions from filing some or all campaign finance reports, to require a radio or television station that sells advertising services or material that supports or opposes a slate of candidates for Governor and Lieutenant Governor to file with the registry a copy of the documentation required by the Federal Communications Commission to be maintained for paid political advertisements, and to delete the pre-election report that was required for all vendors of advertising services or material that sell those services or material to a slate of candidates for Governor and Lieutenant Governor; amends KRS 121.230 to require the registry to perform annual audits of income tax checkoff funds remitted to state and local political parties for remitted amounts of more than \$1,500 only and to permit the registry to perform annual audits of lesser amounts remitted; amends KRS 121A.060 to provide for adjustments of the threshold qualifying amounts for the public financing program for slates of candidates for Governor and Lieutenant Governor based on the adjusted spending limit for each election.

HB 64

AN ACT relating to elections.

Amends KRS 118.015 to define a political party as one whose candidate received, rather than cast, at least 20% of the vote at the preceding presidential election; amends KRS 118.105 to link procedures for filling a vacancy in a nomination made by a primary to the ballot certification date rather than to whether or not the ballots are printed; amends KRS 118.165, KRS 118.365, KRS 118A.060, KRS 118A.100, KRS 83A.045, KRS 83A.170, and KRS 83A.175 to specify that candidates may not file nominating petitions until the day after the day on which a November election would ordinarily be held; amends KRS 118.212 to link procedures regarding withdrawal of a candidate to the ballot certification date rather than to

whether or not the ballots are printed; amends KRS 118.315 to prohibit soliciting signatures for a nominating petition until the day after the day on which a November election would ordinarily be held; amends KRS 118.325 to define a political organization which may nominate its candidates by a convention or primary instead of through a nominating petition as one whose candidate received, rather than cast, at least 2% of the vote at the preceding presidential election and to link the filling of a vacancy in candidacy to the ballot certification date rather than to whether or not the ballots have been printed; amends KRS 118.415 to conform the ballot certification date for constitutional amendments proposed in presidential election years with the date set in KRS 118.215; amends KRS 118.551, relating to the presidential preference primary, to conform with the definition of political party based on whether its candidate received, instead of cast, 10% or more of the vote in the preceding gubernatorial election; amends KRS 118A.090 to conform the ballot certification date with that set in KRS 118.215; amends KRS 118A.150 to link procedures regarding withdrawal of a judicial candidate to the ballot certification date rather than to whether or not the ballots are printed.

HB 65

AN ACT relating to revenue and taxation.

Amends KRS 68.180, 68.197, 91.200, 92.281, 92.300, 160.483, and 160.605 to prohibit the imposition of a license fee or occupational tax against income received by precinct workers for election training or work at election booths during regular or primary elections; amends KRS 141.010 to exclude income earned by precinct workers for election training or working at election booths during regular or primary elections from gross income for income tax purposes; provides that the provisions of the Act apply for tax years beginning after December 31, 1997; amends KRS 132.095 to tax personal property in a distribution facility at one-tenth of one cent upon each \$100 of the fair cash value of the property, and to permit local governments to impose a tax on personal property held in a distribution facility.

HB 67

AN ACT relating to school attendance.

Amends KRS 157.320 to delete the five worst attendance days from the calculation of average daily attendance for the purpose of providing funds to local school districts.

HB 74

AN ACT relating to the taxation of motor vehicles and declaring an emergency.

Amends KRS 132.485, relating to property tax on motor vehicles, to require the PVA to assess property tax on motor vehicles at the average trade-in value appearing in the NADA reference manual unless information becomes available that requires the Revenue Cabinet to deviate from using the average trade-in value as the standard value for property taxes; amends KRS 138.450, relating to usage tax on motor vehicles, to require usage tax on all new and most used motor vehicles to be based on an affidavit attesting to the actual consideration paid for the vehicle rather than the NADA book value; specifies that actual consideration for new vehicles shall include the amount allowed by a dealer as a trade-in allowance, but provides that actual consideration for used vehicles shall not include any amount allowed as a trade-in allowance, any amount allowed as a dealer rebate, or any interest payments made over the life of a loan for the purchase of the motor vehicle; provides that for older used motor vehicles

offered for registration the first time in this state whose values no longer appear in the NADA guide, retail price shall be \$100 regardless of the number of years the value has been removed from the vehicle; requires the NADA book value to be used for new residents registering a vehicle for the first time in Kentucky, as well as for a Kentucky resident who purchases a vehicle out of state when registering the vehicle for the first time in Kentucky; provides that if a notarized affidavit is not available to establish the total consideration paid for a vehicle, dealers and individuals follow existing law where for new cars usage tax is based on 90% of the manufacturer's suggested retail price of the vehicle; 81% of the manufacturer's suggested retail price for new trucks over 10,000 pounds; and average trade-in value of used vehicles as prescribed by the NADA guide established by the Revenue Cabinet; establishes that the retail price of motor vehicles received as a gift shall be the NADA guide trade-in value; amends KRS 138.460 to require the Revenue Cabinet to provide affidavit forms to each county clerk who shall provide the forms free of charge to the public; prohibits a county clerk from registering a motor vehicle if a notarized affidavit is required and available to complete the transaction and the buyer and seller have failed to prepare the affidavit; amends KRS 138.990 to establish a penalty for individuals who willfully and fraudulently give a false statement on the affidavit as to the actual consideration given for a motor vehicle as a Class D felony with a mandatory fine of \$2,000 per occurrence; amends KRS 132.200, 134.810, 138.460, 186.190, 186.232, and 190.990 to conform; provides that the provisions relating to property tax become effective retroactively January 1, 1998 and that the usage tax provisions become effective on all motor vehicles sold after July 31, 1998.

HB 75

AN ACT relating to water districts.

Amends KRS 74.020 to specify that beginning January 1, 1999, water district commissioners who complete during an educational year a minimum of six (6) instructional hours of water district management training may receive an annual salary of not more than six thousand dollars (\$6,000) to be paid out of the water district fund; defines an educational year as beginning on January 1, and ending on the following December 31; requires the Public Service Commission to be responsible for the regulation of all water district management training programs for commissioners of water districts, combined water, gas, or sewer districts, or water commissions; amends KRS 74.363 to conform.

HB 78

AN ACT relating to community education.

Creates a new section of KRS Chapter 160 to establish a 15-member state Council for Community Education that shall meet no more than 4 times annually, members may be reimbursed for expenses, but shall not receive a per diem allowance.

HB 81

AN ACT relating to crimes and punishments.

Amends KRS 525.010 to define service animals; creates new sections of KRS Chapter 525 to prohibit killing, injuring, or harassing service animals; creates assault on a service animal in the first degree as a Class D felony and assault on a service animal in the second degree as a Class B misdemeanor; revises defenses; makes restitution court order permissive.

HB 83

AN ACT relating to county road engineers.

Amends KRS 179.020 to change the original year of appointment for county road engineers and supervisors from an even to an odd numbered year, and requires that those employed on the effective date shall continue to serve until the second Tuesday in January of 1999 at which time the position shall be re-appointed for the term of employment as provided by statute.

HB 85

AN ACT relating to abortion.

Amends KRS 311.720 to define "medical emergency", "probable gestational age of the embryo or fetus", and "qualified person", creates a new section of KRS 311.710 to 311.820 to prohibit the performance or inducement of abortion without informed consent; requires physician to inform or allow him to delegate the responsibilities to others, at least 24 hours prior to performance or inducement of abortion to inform the pregnant woman of the nature of the abortion, medical risks and alternatives to the procedure, and the probable gestational age of the embryo or fetus; requires that information be given to the woman about medical assistance for childbirth, prenatal and postnatal care, and the father's legal obligation to contribute to the support of a child; provides printed material to the pregnant woman 24 hours prior to the abortion if she chooses to view the materials; requires the woman to certify in writing that she has received this information; requires the Cabinet for Human Resources to publish certain materials informing pregnant women about public and private agencies and services available to assist her; informs women of agencies to assist with pregnancy, childbirth, and adoption; requires development of descriptive materials concerning embryo or fetus; provides that the Cabinet may charge for these materials; repeals KRS 311.726 and 311.729.

(VETOED by Governor -- Overridden by both Chambers)

HB 86

AN ACT relating to parent and child education.

Amends KRS 158.360 to direct the State Board for Adult and Technical Education to approve grants and authorize the Department for Adult Education and Literacy to disburse funds for family-literacy services to adults and families; permits blending the Parent and Child Education for Family Independence program with other programs if certain criteria are met; requires the Department for Adult Education and Literacy to report to the State Board for Adult and Technical Education and the Legislative Research Commission, including, for each grantee, the total funds expended, the number of parents and children served, and various other types of information.

HB 87

AN ACT relating to the Kentucky Uniform State Building Code.

Amends KRS 198B.010 to include single-family dwellings in the definition of "building" in the building code; deletes language to remove local option of inclusion of single-family dwellings in code as the reference standard; amends KRS 198B.060 to provide that permits, inspections, and certificates of occupancy for single-family residences are required only when local governments pass ordinances requiring that treatment, although the standards

of single-family residences still must be equal to the building code; removes the Department of Housing's responsibility of inspection of single-family residences if the local government fails to inspect them; provides that a certified electrical inspector must be employed by, or contracted for, in jurisdictions with building inspection programs; amends KRS 67.380 to conform.

HB 90

AN ACT relating to assault of sport officials.

Amends KRS 508.025 to include assaults on sport officials within the crime of assault in the third degree; sets first offense penalty to Class A misdemeanor unless 5 or more persons are involved in the assault in which case it is a Class D felony.

HB 92

AN ACT relating to student attendance.

Requires school districts, in the calculation of average daily attendance, to include in the number of aggregate days a student attended school, the number of days a student was suspended up to 10 days, and the number of days a student was expelled up to a total of 175 days that may extend into the next school year and counted in that year.

HB 97

AN ACT relating to school employees' salaries and declaring an emergency.

Amends KRS 160.291 to require a local board of education to pay an employee any remaining salary owed prior to the end of the fiscal year upon completion of the employee's responsibilities or duties, if so notified by the employee; EMERGENCY.

HB 99

AN ACT relating to the lease of motor vehicles.

Amends KRS 367.840, KRS 367.841, and KRS 367.846 to require the same warranty terms to apply to leased motor vehicles; amends the definition of a buyer to add leased vehicles under the provisions of Kentucky's "lemon law" on new cars.

HB 100

AN ACT relating to school administrators.

Includes school psychologist in the definition of administrator and subject to the administrator demotion procedures set forth in KRS 161.765.

HB 104

AN ACT relating to school district superintendents.

Amends KRS 160.350 to allow an acting local school district superintendent to be appointed to the position of superintendent.

HB 106

AN ACT relating to the operation of motorcycles.

Amends KRS 189.285 to make the wearing of a helmet optional for motorcycle passengers over the age of 21 and motorcycle operators over the age of 21 who have had a motorcycle operator's license for at least one (1) year if the passenger or operator show proof

of health insurance; prohibits motorcycle operator with an instruction permit from carrying passengers; makes technical corrections; creates a new section of KRS Chapter 186 to outline the procedures for issuance of a license plate decal signifying that a helmet is optional, monitoring of nonrenewal or cancellation of health insurance; sets fees; amends KRS 189.990 to set penalties for a violation of Section 1 of the Act at a 90 day license suspension and a \$100-\$500 fine.

HB 109

AN ACT relating to parks funding.

Amends KRS 148.810 to detail the items that funds from the parks capital maintenance and renovation fund can be expended for; provides for reporting of allocations to the Capital Projects and Bond Oversight Committee.

HB 110

AN ACT relating to maintenance of state assets.

Creates a new section of KRS 45.750 to 45.810 to establish within the capital construction fund a statewide deferred maintenance fund to be used as a supplemental source for funding deferred maintenance and government mandate needs of state agencies; establishes parameters for operation of the fund; amends KRS 45.780 to permit transfers from the emergency repair, maintenance, and replacement account only if no other funding source is available.

HB 112

AN ACT relating to securities.

Amends various sections of KRS Chapter 292 pertaining to securities; makes certain provisions applicable to investment adviser representatives; requires investment adviser representatives to be registered; establishes requirements to act as a covered adviser; permits a broker-dealer registered with the US Securities and Exchange Commission to comply with requirement of keeping certain books, records and reports by keeping those books, records, and reports required by the Securities and Exchange Commission; authorizes the commissioner to bar or censure any registrant or officer, director, partner, or persons performing similar functions for registrant from employment with a registered broker-dealer or investment adviser; permits the commissioner to exempt from registration any broker-dealer, agent, investment adviser or investment adviser representative, or transaction or class of transactions by such persons; requires registration statements to contain financial statements of the issuer; permits commissioner to issue stop order or suspend or revoke effectiveness of registration statement if commissions or other compensation and selling expenses are greater than 20 % in the aggregate; directs the commissioner to require the filing of certain documents with respect to a covered security; allows an issuer to make offers, but not sales, during ten day period after a claim of exemption has been filed under certain conditions; increase the filing fee from \$100 to \$250 for exemptions; requires covered advisers that make a notice filing to file with the commissioner an irrevocable consent appointing the commissioner to be his attorney to receive lawful process in certain proceedings; provides for actions commissioner may take when it appears a person has engaged in or is about to engage in an act or practice that violates KRS Chapter 292; provides remedy for defrauded seller; permits a person aggrieved by an order of the Commissioner to

seek review in Franklin Circuit Court within 30 days rather than 60 days after entry of the order; authorizes the Commissioner to assess civil fines and costs of investigation; specifies what documents are considered confidential under the Open Records Act; specifies the purpose of KRS Chapter 292.

HB 115

AN ACT relating to drugs.

Amends KRS 217.015 relating to definitions to add definitions of legend drug, dispense, dispenser, prescription blank, traffic, and ultimate user; creates a new section of KRS 217.005 to 217.015 to create the crime of theft of a legend drug; creates a new section of KRS 217.005 to 217.015 to create the offenses of theft of a prescription blank, unlawful possession of a prescription blank, and trafficking in prescription blanks; creates a new section of KRS 217.005 to 217.015 to create the offense of forgery of a prescription blank; creates a new section of KRS 217.005 to 217.015 to provide that a pharmacist may seize a suspected forged prescription blank to determine its authenticity and to deliver it to a law enforcement officer; creates a new section of KRS 217.005 to 217.015 to specify to whom manufacturers, distributors, pharmacists, and practitioners may lawfully deliver legend drugs and to prohibit possession of trafficking in or dispensing legend drugs, except as authorized by law; amends KRS 541.030 relating to theft by unlawful taking to exempt legend drugs or controlled substances; creates a new section of KRS 217.005 to 217.015 to require listed law enforcement agencies to enforce the legend drug laws and permit agents of the Cabinet for Human Resources and Board of Pharmacy to conduct inspections of pharmacies and to remove records therefrom if accurate receipt is given; creates a new section of KRS Chapter 217 to provide that chapter does not apply to warehousemen and common carriers storing or transporting legend drugs or to public employees in the performance of their duties; amends KRS 218A relating to definitions to add definitions of cabinet, dispenser, prescription, and prescription blank; creates new sections of KRS Chapter 218A to require the Cabinet for Human Resources to establish an electronic system for monitoring schedule II, III, IV, and V controlled substances dispensed by practitioners and pharmacists in Kentucky or in other states to a person with a Kentucky address; sets reporting requirements, requirements for access to system, specifies records are confidential except for specified purposes; sets penalties; requires Cabinet for Human Resources to specify details of a security paper prescription blank for controlled substances by administrative regulation; creates a new section of KRS Chapter 218A to create the crime of theft of a controlled substance; creates a new section of KRS Chapter 218A to create the crime of forgery of a prescription for a controlled substance; creates a new section of KRS Chapter 218A to create the crime of criminal possession of a prescription for a controlled substance; creates a new section of KRS Chapter 218A to create the crimes of theft of a prescription blank for controlled substance, criminal possession of a prescription blank for controlled substance, and unlawfully trafficking in a prescription blank for controlled substance; creates a new section of KRS Chapter 218A to permit a pharmacist or practitioner to seize and retain suspicious controlled substances prescriptions, to check their authenticity, and surrender the prescription of a law enforcement officer upon request; amends KRS 218A.140 relating to fraud in obtaining a controlled substance to redefine the elements and to add an element relating to using a prescription obtained in violation of the chapter; amends KRS 218A.170 relating to sale and distribution of controlled substances, to add distributors, pharmacists, and practitioners; amends KRS

218A.180 relating to prescriptions to specify that controlled substance prescriptions are valid for only 60 days, written for a legitimate medical purpose, that electronic prescriptions be immediately reduced to writing and signed and dated; provides penalties for violation; amends KRS 218A.200 relating to prescriptions and records to require pharmacists and practitioners to keep records for 5 years and manufacturers, wholesalers, and distributors for 2 years; sets inventory requirements and penalties; amends KRS 218A.240 relating to who must enforce controlled substances laws to list peace officers who must enforce the law rather than require all peace officers to do so; amends KRS 315.010 relating to pharmacy definitions to conform the definition of practitioner.

HB 121

AN ACT relating to the release of liens.

Amends KRS 382.365 to allow proceedings to be filed in District or Circuit Court to increase the amount due the property owner to \$100 for failure to release within 30 days, to require an additional \$400 to be paid to the property owner if a satisfied lien is not released within 45 days, to require \$100 per day to be paid to the property owner for each day a lien is not released after the issuance of a court order requiring the release; provides that payments are in addition to any other fees, charges, or damages owed pursuant to the provisions of any other section of KRS; permits additional parties to secure releases of liens, increases the penalty for failure to release lien; defines the date of satisfaction of lien; provides an exemption from this act when lien holder is deceased and the estate of the lien holder has not been settled; requires court to enter a judgment releasing a lien upon proof of satisfaction being submitted to the court.

HB 122

AN ACT relating to aquaculture.

Amends KRS 139.480 to exempt aquacultural products and items used in the production of aquacultural products from the sales and use tax; amends KRS 260.960 to define "aquaculture" and to require the Department of Agriculture to promote markets for aquacultural products; EFFECTIVE August 1, 1998.

HB 126

AN ACT relating to plans review and inspections of buildings.

Creates a new section of KRS Chapter 198B to ensure that all buildings are constructed according to their respective construction documents; specifies steps for ordering, approving, and recording changes to those documents.

HB 127

AN ACT relating to special districts.

Amends various sections of KRS Chapter 65 to require special districts to submit a budget to the relevant fiscal court for review; prevents any special district budget from taking effect until a budget is submitted to the relevant fiscal court for review; authorizes the county attorney to prevent any expenditure of any funds, if a special district does not comply; makes special districts with budgets of less than \$200,000 subject to an audit every four years; makes special districts with budgets of more than \$200,000 subject to annual audits; requires special

districts to submit to the relevant fiscal courts a copy of the uniform financial information report submitted to the Department for Local Government.

HB 128

AN ACT relating to charitable health care services.

Creates new sections of Chapter 216 to define "charitable health care provider," "regularly practice," and "sponsoring organization"; provides that no additional license or certificate otherwise required under KRS Chapters 211, 216, 311, 312, 313, or 314 shall be required in order for a charitable health care provider or person who does not regularly practice in the Commonwealth to voluntarily provide health care services; provides that a person whose license or certificate has been suspended or revoked, or who provides services outside his or her scope of practice shall not provide charitable health care services; provides for registration with Cabinet for Human Resources and registration fee of \$50; provides that Cabinet for Human Resources shall provide information regarding the health services available in the state on request of the charitable health care provider; provides that Boards of Health may submit requests to be listed in any information provided; requires that the sponsoring organization shall maintain a list of charitable health care providers, shall maintain a copy of their licensure or certification, shall require each provider to attest that his or her license or certificate is not suspended or revoked, and shall maintain records for 5 years; declares compliance with the section to be prima facie evidence that the organization has exercised due care; allows the cabinet to revoke a registration for failure to comply with the Act, under the provisions of KRS Chapter 13B; requires the cabinet to report to the General Assembly by October 1 of each year the name and location of individuals registered as charitable health care providers; states that persons providing charitable health care services are not subject to provisions of KRS Chapter 211, 216, 311, 312, 313, or 314 relating to itinerant providers, licensing, or certification, and any requirements relating to licensing or certification are satisfied by displaying a photocopy of the license, certification, or exemption from the state or location where the person is licensed, certified, or exempt; states the finding that access to health care is a concern of the General Assembly; amends KRS 304.40-075 to change the definition of "charitable health care provider"; provides that premiums for medical malpractice insurance shall be paid from the general fund not to exceed \$20,000 and from the registration fees collected by the cabinet; requires that a copy of the registration filed with the cabinet be filed with the Department of Insurance as a condition of receiving medical malpractice insurance; requires the cabinet to make available information on the registration of charitable health care providers to the department, and provides that the Department shall not provide medical malpractice insurance unless the provider has also registered with the cabinet; provides that the Act may be cited as the Kentucky Charitable Health Care Services Act.

HB 129

AN ACT relating to public assistance under Title IV-A of the federal Social Security Act.

Amends various sections of KRS Chapter 205 to delete the phrase "aid to families with dependent children" and replace it with the phrase "public assistance under Title IV-A of the federal Social Security Act"; deletes references to the "community work experience program"; deletes the special needs allowance for recipients of aid to families with dependent children for costs associated with education and training; requires the Secretary of the Cabinet for Human

Resources to develop a work program for recipients of public assistance under Title IV-A of the federal Social Security Act to provide for immediate employment or preparation for employment; requires self-sufficiency of participants to be the primary goal of the work program; requires the Cabinet to submit information to General Assembly regarding number of recipients placed in public and private work experience, and related costs; amends KRS 116.048 to delete reference to "aid to families with dependent children" and replaces the reference with the phrase "public assistance under Title IV-A of the federal Social Security Act"; makes technical corrections; amends KRS 205.710, 205.721 and 403.212 to conform; repeals KRS 195.120, 195.130, 195.140, 205.2002, 205.215, 205.650, 205.660, 205.670, 205.680, 205.700, 205.810.

HB 130

AN ACT relating to child support.

Creates new sections of KRS 205.710 to 205.800 to require a payment of a penalty of \$10 to \$25 to the Cabinet for Human Resources by any payor tendering a check to the cabinet that is not paid when presented to the drawee bank for payment; requires the Circuit Court and District Court to have concurrent jurisdiction to establish, modify, and enforce child support obligations in cases where the determination of paternity is not an issue; limits the jurisdiction of the District Court in cases not involving the determination of paternity to cases where there is no Circuit Court order previously setting child support; amends KRS 205.750 to require court-ordered child support payments be made through the state agency or an agency designated by the state agency instead of through a domestic relations clerk of the county or other person; exempts the cabinet from liability for any claims of repayment in any support collected in good faith by the cabinet under a court or administrative order.

HB 131

AN ACT relating to tuberculosis testing of children.

Amends KRS 214.034, relating to childhood immunizations, to delete the requirement of parents and guardians that children be tested for tuberculosis; requires that any child infected with tuberculosis only be examined and treated instead of tested, examined and treated according to Cabinet for Human Resources administrative regulations; permits a local health department, with the approval of the Department for Health Services, to require all first-time enrollees in a public or private school within the health department's jurisdiction to be tested for tuberculosis prior to entering school; deletes the requirement that each child entering public schools have proof of having been tested for tuberculosis prior to enrollment; amends KRS 158.037 to delete reporting of tuberculin skin test results to local health departments by elementary or secondary school; exempts tuberculosis testing any child whose parents object to such testing on religious grounds as so documented in a written statement; allows local health departments to conduct a tuberculosis test on this same child, if there is a suspected case of tuberculosis.

HB 132

AN ACT relating to the reorganization of the Cabinet for Human Resources.

Establishes KRS Chapter 194A to create various new sections thereof to require the Cabinet for Health Services to be the primary state agency responsible for the development and operation of public health, Medicaid, mental health and mental retardation programs and

other related services, including all federal programs in which the state elects to participate; requires the cabinet to promote, supervise, and regulate local, public, and private programs, services, and facilities, which protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth; allows the secretary for health services to administer oaths and affirmations, takes depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda, and other records considered necessary and relevant as evidence at hearings held in connection with the administration of the cabinet; allows the secretary to delegate duties of the office to employees of the cabinet as the secretary deems necessary and appropriate; allows the secretary to enter into contracts and agreements with individuals, colleges, universities, associations, corporations, municipalities, and other government units as may be deemed necessary and advisable to carry out the general intent and purposes of the cabinet; creates and sets forth the major organizational units of the Cabinet for Health Services including the Office of the Secretary, Office of Management Support, Department for Medicaid Services, Department for Public Health, Department for Mental Health and Mental Retardation Services, Office of the Inspector General, Commission for Children with Special Health Care Needs, Kentucky Health Policy Board, and Office of the General Counsel; creates the Office of Aging Services within the Cabinet for Families and Children; provides that the Office of Aging Services be headed by an executive director appointed by the secretary of the Cabinet with the approval of the Governor; sets the Office of Aging Services' duties and responsibilities; makes conforming amendments; requires the secretary to establish internal organization of the offices and departments; allows secretary of Cabinet for Families and Children to enter into contracts and agreements with individuals, colleges, universities, associations, corporations, municipalities and other units of government to carry out the general purposes of the cabinet; allows the Office of Program Support in the Cabinet for Families and Children to include the authority for contract monitoring, quality assurance, quality control and outcome assessment; replaces duplicative language in new section on fraud and abuse which requires that no person shall, with intent to defraud, knowingly use, acquire, forge, alter, traffic, counterfeit or possess a food stamp or food stamp identification card or unique electronic authorization code or number or electronic personal identification which is not authorized by law; adds a section which amends KRS 95A.262 to change the authority for the program for the inoculation of every paid and volunteer firefighter against hepatitis B to the Cabinet for Health Services; changes the references in the section which amends KRS 154.45-120 from the Cabinet for Families and Children to the Cabinet for Workforce Development; and makes technical corrections; provides the secretary the power to create positions and employ necessary personnel to enable the cabinet to fulfill all assigned functions; requires the secretary, with approval of the Governor, to elect unemployment insurance coverage for cabinet employees; requires the secretary to formulate, promote, establishes, and execute policies, plans, and programs and adopt, administer, and enforce laws, rules and regulations to protect, develop and maintain the health, personal dignity, integrity, and sufficiency of individual citizens; requires the secretary to adopt, administer, and enforce rules and regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and as necessary to cooperate with other state and federal agencies; requires the secretary to utilize the Public Health Services Advisory Council to review and makes recommendations on contemplated administrative regulations; directs that no administrative regulations issued under the authority of the cabinet be filed with the

Legislative Research Commission unless issued under the authority of the secretary; directs and empowers the secretary to establish by regulation a schedule of reasonable fees, none of which is to exceed \$100, to cover the costs of annual inspections of efforts regarding compliance with program standards administered by the cabinet for health services; requires all fees collected for inspections be deposited in the State Treasury and credited to a revolving fund account to be used for administration of those programs of the Cabinet for Health Services; requires the balance of the account to lapse to the general fund at the end of each biennium; prohibits the charging of fees for the investigation of complaints; requires the secretary to develop and adopt regulations and rules protecting the confidential nature of all records and reports of the cabinet which directly or indirectly identify a client or patient or former client or patient; provides for limited disclosure and sharing of certain records and reports; authorizes the cabinet to utilize and promote available or potential community resources for the delivery of services and contract for services with local, community, and private agencies when the services would not otherwise be available without cost; authorizes charging for services; directs the secretary to arrange for the development of a cost allocation plan for the cabinet; requires the cabinet to include specified citizen advisory bodies within its structure; sets forth the structure of citizen bodies within the cabinet; authorizes the secretary to create special task forces, technical advisory committees, and other citizens panels as necessary to support the operations of the cabinet; provides for the maintenance of transferred rules, regulations, acts determinations, and decisions of or by the corporate bodies or instrumentalities of the Commonwealth, advisory committees, interstate compacts, or other statutory bodies; empowers the Public Health Services and Advisory Council for Medical Assistance to accept gifts and grants; allows members of the Public Health Services Advisory Council to receive necessary expenses incurred through the performance of their duties; authorizes the secretary for health services to purchase liability insurance for the protection of physicians, hospital administrators, and directors; defines terms including false statement or misrepresentation, benefit, provider, and assistance program; sets forth acts considered fraudulent in the process of eligibility determination for benefits under any assistance program; establishes penalties; establishes KRS Chapter 194B to create various new sections thereof to require the Cabinet for Families and Children be the primary state agency responsible for operating human services programs involving social services to families and children and income supplement programs which protect, develop, preserve and maintain families and children in the Commonwealth; requires the cabinet to promote, supervise, and regulate local, public, and private programs, services, and facilities, which protect, develop, and maintain the welfare, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth; authorizes the secretary for families and children to administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda, and other records considered necessary and relevant as evidence at hearings held in connection with the administration of the cabinet; sets forth the major organizational units of the cabinet for families and children including the Office of the Secretary, Office of Program Support, Office of Advocacy and Accountability, Office of Technology Services, Department for Transitional Support, Department for Protection and Family Support, and Office of the General Counsel; directs the secretary to establish internal organization of the offices and departments; empowers the secretary to create positions and employ necessary personnel to enable the cabinet to fulfill all assigned functions; mandates the secretary to elect

unemployment insurance coverage for cabinet employees; empowers the secretary to formulate, promote, establish and execute policies, plans, and programs and adopt, administer, and enforce all applicable state laws and rules and regulations necessary to protect, develop, and maintain the welfare, personal dignity, integrity, and sufficiency of individual citizens; empowers the secretary to adopt, administer, and enforce rules and regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs; requires the secretary to utilize the Institute for Aging and the Council for Families and Children to review and makes recommendations on contemplated administrative regulations; empowers the secretary to establish by regulation a schedule of reasonable fees, with none to exceed \$100, to cover the costs of annual inspections of efforts regarding compliance with program standards administered by the cabinet; requires the balance of the account to lapse to the general fund at the end of each biennium; prohibits the charging of fees for investigation of complaints; provides for confidentiality of records and reports directly or indirectly identifying a client or patient or former client or patient; provides for limited disclosure or sharing of the records; authorizes the cabinet to utilize and promote available or potential community resources for the delivery of services and to contract for services with local, community, and private agencies when the services would not otherwise be available without cost; allows the cabinet and contracting local, community, and private agencies to charge for services rendered; mandates the development of a cost allocation plan; requires the cabinet to include specified citizen advisory bodies within its structure to provide independent advice from the general public; prohibits a corporate body or instrumentality of the Commonwealth, advisory committee, interstate compact, or other statutory body from expending funds, hiring employees, issuing grants, or otherwise engaging in the normal administrative processes of the cabinet; grants the secretary the authority to create special subcommittees of the Institute for Aging and the council for Families and Children; authorizes the secretary to create special task forces, technical advisory committees, and other citizens panels; provides for the transfer and maintenance of rules and regulations; empowers the Institute for Aging and the Council for Families and Children to accept gifts and grants; requires the cabinet to make an annual report to the Governor, the General Assembly, and the Chief Justice on the number of children under an order of dependent, status, public, or voluntary commitment to the cabinet, the number of children in the custody of the cabinet by they of residential placement, average length of stay, and average number of placements, the number of children in cabinet custody eligible for adoption, the number placed in an adoptive home, and the number ineligible for adoption, the cost in federal and state general funds to care for the type of children identified, and other matters relating to the care of foster children which may promote further understanding of the impediments to permanent homes; directs the cabinet to provide professional development for staff employed by the cabinet or by local public agencies in child development, the dynamics of physical and sexual abuse, the impact of violence on child development, the treatment of offenders, and related issues; requires each staff person employed by the cabinet or by a local public agency and who works with children or families to successfully complete a professional development program in order to remain assigned to child or family programs; defines terms including false statement or misrepresentation, benefit, and assistance program; sets forth acts considered fraudulent in the qualifying for benefits under any assistance program; penalties; requires that administrative hearings conform with KRS Chapter 13B; requires domestic violence training for state

employees who may provide services to victims of domestic violence and their families; specifies the exchange of certain types of information between the states agencies and departments handling the administration and operation of public assistance programs, emphasizing that confidentiality issues will be respected; places the Alzheimer's and Related Disease Disorders Council in the Cabinet for Health Services; amends various KRS sections to conform to the Acts reorganization of the former Cabinet for Human Resources; repeals KRS 194.010, 194.025, 194.030, 194.040, 194.050, 194.060, 194.070, 194.080, 194.090, 194.100, 194.110, 194.120, 194.130, 194.135, 194.140, 194.150, 194.160, 194.170, 194.180, 194.190, 194.200, 194.350, 194.360, 194.370, 194.500, 194.505, 194.510, 194.515, 194.530, 194.540, 194.550, 194.552, 194.555, 194.559, 194.990, 195.120, 195.130, 195.140, and 195.180; authorizes the Reviser of Statutes to take action in codifying 1996 legislation to reflect the reorganization effectuated by the Act; confirms Executive Order 96-862 to the extent not otherwise confirmed or superseded; confirms Executive Order 96-1494; confirms Executive Order 96-1499; and confirms Executive Order 97-1348.

HB 135

AN ACT relating to court facilities and declaring an emergency.

Amends KRS 26A.090 to provide that for court facilities projects completed prior to 1994, the use allowance fee after refinancing shall not change for the term of the original bond issue.

HB 137

AN ACT relating to the funding of public transportation.

Amends KRS 96A.095 to allow general fund dollars to be used for capital and operating subsidies for mass transit services; amends KRS 96A.096 to allow funds from the Kentucky Transportation Development Fund to be used for public transportation operating subsidies.

HB 141

AN ACT relating to revenue and taxation.

Amends KRS 132.020 to provide that aircraft not used in the business of transporting persons or property for compensation or hire to be taxed at a state rate of \$0.015 per \$100 of value; amends KRS 132.200 to allow counties, cities, schools, or other taxing districts to exempt aircraft not used in the business of transporting persons or property for compensation or hire from local taxation.

HB 142

AN ACT relating to child protection and declaring an emergency.

Amends various sections of KRS Chapter 600 to redefine the term "abused or neglected child" to include patterns of parental conduct or incapacity due to alcohol or other drug abuse, "emotional injury" as testified to by a qualified mental health professional; creates new term "needs of the child" to include necessary food, clothing, health, shelter, and education; amends KRS 605.090 to allow placement of a child committed to the Juvenile Justice Department or Cabinet for Human Resources in the home of a relative; amends KRS 620.060 to add the conditions under which a court may issue an ex parte emergency custody order involving a child, including inflicting physical or emotional injury which does not include

reasonable and ordinary discipline, and requires that removal be in the best interest of the child; amends KRS 620.130 to provide that services provided are designed to promote the protection of the child, as well as promote the safe return of the child to his or her home; amends KRS 620.155 to specify that a parent, child, guardian ad litem, the cabinet, and the county attorney may appeal juvenile court ruling; creates a new section of KRS Chapter 620 to set forth factors mandated to be considered by the court in all dependency, neglect, and abuse proceedings conducted under KRS Chapter 600 in which the court is required to render decisions in the best interest of the child which would include mental illness or mental retardation of the parent, acts of abuse or neglect toward any child, alcohol and drug abuse, domestic violence, criminal act resulting in the death of a family member, or guardianship of the parent; amends KRS 610.125 to require 12-month dispositional hearings in cases in which a child has been removed from the home and placed in foster care; establishes requirements for permanency plans and documentation of reasonable efforts filed with the court by the cabinet or department; allows foster parents, pre-adoptive parents, foster care review board members, and court appointed special advocates to present evidence to court; amends KRS 625.0405 to provide that the cabinet or adoptive parents may pay the attorney's fees when termination is voluntary and for the purpose of adoption, and requires that the best interests of the child include matters relating to child support; amends KRS 625.042 to require a hearing date within 30 days of the filing of the voluntary termination petition; amends KRS 625.040 and 625.041 to allow parent to sign an appearance waiver for voluntary termination of parental rights; amends KRS 625.070 to allow service of petition upon the guardian ad litem to be sufficient; amends KRS 625.080 to specify source of payment for guardian ad litem in involuntary termination proceedings and to permit visitation in the best interests of the child; requires hearings within sixty (60) days of motion for termination hearing; amends KRS 625.090 to add as grounds for involuntary termination that the parent has been convicted of criminal charge of abuse or neglect, parental rights to another child have been terminated and no change in condition or factors, or the child has been in foster care for 15 of the most recent 22 months; creates a new section of KRS Chapter 625 to allow a child who is a ward of the cabinet to extend wardship to age twenty-one (21) in order to participate in specified programs; amends KRS 199.502 to add conditions for grounds for involuntary termination and adoption; amends KRS 620.050 to create a Class A misdemeanor for anyone who knowingly makes a false child abuse or neglect report with malice, and declare an emergency.

HB 145

AN ACT relating to family resource and youth service centers and declaring an emergency.

Amends KRS 156.4977 to delete references to the Interagency Task Force on Family Resource and Youth Services Centers.

HB 151

AN ACT relating to local school board members

Amends KRS 160.180 to delete as a condition for removal from office of a local school board, members being a candidate for nomination or election to certain offices that would have rendered the person ineligible before election.

HB 154

AN ACT relating to the Kentucky Historical Society.

Amends KRS 171.313 to include restoring and maintaining the gravesites of United States' Vice-Presidents, the spouses of past governors and "Kentucky Pioneers" buried in the Commonwealth.

HB 156

AN ACT relating to testing of pregnant women for hepatitis B.

Amends KRS 214.160 to require every physician or other person legally permitted to engage in attendance upon a pregnant woman to take or cause to be taken a specimen of blood for testing for the presence of Hepatitis B surface antigen.

HB 159

AN ACT relating to child support and declaring an emergency.

Amends KRS 407.5101 to redefine the term "initiating state," "responding state," and "state" for purposes of uniform reciprocal enforcement of support; amends KRS 407.5205 to clarify the meaning of "individual party"; amends KRS 407.5305 to delete requirement for certification of mail notifying petitioner that pleading has been received; amends KRS 407.5207 to set forth rules for recognition of the order and control of proceedings involving two or more child support orders involving the same obligor and child when issued by tribunals of this state or another state; amends KRS 407.5304 to provide for the issuance of a certificate and making of findings required by law regarding the amount of support sought if a responding state has not enacted the Uniform Interstate Family Support Act or a similar law or procedure; amends KRS 407.5305 to delete requirement that when a tribunal of the state sends a copy of a child support order issued under KRS 407.5101 to 407.5902, that it be by certified mail, return receipt requested; amends KRS 407.5306 and 407.5307 to conform; creates a new section of KRS 407.5101 to 407.5902 to set forth duties for obligator's employer upon receipt of income-withholding order; amends KRS 407.5501 to delete provisions regarding directives to employer withholds of income for child support payments; repeals Section 65 of 1996 Kentucky Acts Chapter 35; repeals, reenacts and renumbers KRS 407.5502 as KRS 407.5507; creates a new section of KRS 407.5101 to 407.5902 and number as KRS 407.5502, 407.5503, 407.5504, 407.5504, 407.5506, 407.5613, 407.5614.

HB 160

AN ACT relating to the establishment of a study commission to study the benefits and effects of complementary and alternative medicine.

Directs the Legislative Research Commission to study the benefits and effects of complementary and alternative medicine; sets forth commission membership; requires commission to consider reports and findings of National Institute of Health, American Chiropractic Examiners, and American Medical Association; requires a report of findings and recommendations in the 2000 Regular Session of the General Assembly; provides that if during the study period any alternative medicine treatment under review by the study commission is found to be safe and effective, the alternative medical treatment may be referred to the Kentucky Board of Medical Licensure for consideration for possible approval as part of the practice of medicine.

HB 161

AN ACT relating to child support.

Amends KRS 186.570 to require the Transportation Cabinet to deny a motor vehicle license after failure to comply with a subpoena or warrant relating to paternity or child support proceedings and identifying circumstances for reinstatement; amends KRS 205.175 to direct the information received or transmitted by the Cabinet for Human Resources not be published, including instances in which the agency determines reasonable cause to believe evidence of domestic violence or child abuse and that disclosure could be harmful to the custodial parent or the child; amends KRS 205.595 to provide for employer acceptance of a notice of transfer of health insurance enrollment; amends various provisions of KRS Chapter 205 to redefine the term "duty of support" to include the duty to pay spousal support that applies to spouses with a child even if the child support is not part of the order; redefines "income" to additionally include bonuses, worker's compensation attributable to lost wages, retirement and pensions, and interest and disability; deletes references to "aid to families with dependent children" and replaces them with "public assistance under Title IV-A of the Social Security Act"; amends KRS 205.712 to expand the duties of the Division of Child Support Enforcement; provides for enforcement of a cumulative child support lien or levy; provides penalty for failure of a bank, savings and loan association, credit union, investment company, savings institution or other specified financial institution to comply with a subpoena; amends various provisions of KRS Chapter 213 to provide for voluntary acknowledgment of paternity services; directs hospitals to provide oral, audio, or video materials about paternity when a birth occurs in a hospital to a woman who is unmarried; allows for changing of Vital Statistics records involving paternity when acknowledgment of paternity is rescinded; amends KRS 403.150 to require marriage dissolution petitions to include social security numbers of each party, including living infant children of the marriage; amends KRS 403.160 to require in proceedings for dissolution of marriage or legal separation, or for maintenance or support, the court to determine whether disclosure to any other person of information of domestic violence or child abuse would be harmful to the parent or child; provides for Cabinet for Human Resources protection of information of evidence of domestic violence or child abuse in actions to establish or enforce child support; amends KRS 403.212, relating to the definition of terms for the child support table, to redefine the term "gross income" to include retirement and pension funds; amends various provisions of KRS Chapter 405 to require the cabinet to pay, when administratively ordered, the cost of genetic testing to establish paternity, when a parent presents himself for the voluntary establishment of paternity; allows the cabinet to review and adjust a parent's child support obligation upon a request of the cabinet under specified circumstances; requires obligated parents of a child receiving public assistance to participate in work activities; sets forth conditions under which transfer of property or income to avoid payment to a child support creditor indicates fraud; provides for employer forwarding of a portion of current and due salary of wages of a parent to the cabinet; establishes method of enforcement of liens, providing for clerk's fee; amends various provisions of KRS Chapter 406 to provide that either party in an action to establish paternity not be entitled to a jury trial; requires an unchallenged acknowledgment of paternity to be ratified without the requirement for judicial or administrative proceedings; provides for payment of the cost of administratively ordered genetic testing to establish paternity; amends KRS 427.120 to allow seizure of a police or firefighters' pension fund for payment of court or administratively ordered current child support, or child support owed, or to be owed; amends KRS 427.125 to allow for

seizure of a pension fund created under KRS 95.761 to 95.785 for purposes of court or administratively ordered child support, or owed or to be owed child support; amends KRS 67A.620 to allow for seizure of a retirement annuity for purpose of court or administratively ordered child support; amends KRS 161.700 to allow the garnishment or attachment of teacher retirement allowance for purposes of court or administratively ordered child support; creates various new sections of KRS Chapter 205 to allow the Cabinet for Human Resources to have authority to issue an administrative subpoena commanding information and records relating to the establishment, enforcement, and collection of child support; requires all public and private entities including financial institutions to comply with a subpoena within a reasonable time period; allows financial institutions to deduct \$20 from the account on which the subpoenaed information has been issued; directs the cabinet to request information from a certified consumer reporting agency only when a full credit report is needed for the purpose of establishing an individual's capacity to make child support payments, or to determine the obligation amount, and paternity has been established or acknowledged; provides for advance notice to the obligor of the requested report; provides for confidentiality if the report and limits on the use for the report; requires financial institutions to enter into cooperative agreement with the cabinet to operate a data match system providing identifying information each calendar quarter for each obligated parent maintaining an account at the institution and who owes an arrearage and is so identified by the cabinet; sets forth the conditions included in the cooperative agreement; creates a new section of KRS 405.405 to 405.520 to require an employer or labor organization to provide information to the Cabinet for Human Resources when that employer or labor organization hires or rehires an employee who has been laid off, furloughed, separated, granted a leave without pay, or terminated, unless the reporting could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission; requires the reporting within specified time intervals and under certain procedures; provides reporting exemptions; creates a new section of KRS Chapter 205 to require the Cabinet for Human Resources to design, develop, implement, and operate a wage reporting and financial institution match system for the purpose of identifying the financial assets of individuals as identified by cabinet agencies, for the purpose of administering the tax laws, and the child support enforcement programs; provides for entrance into agreements to develop and operate a match system to facilitate identification of financial assets of individuals; provides for child support liens; clarifies enforcement of liens for foreclosure on homesteads for minor child of the obligor and minor child of the custodial parent; makes provision for an obligor to contest the accuracy of the information obtained from the Cabinet for Human Resources from a certified consumer reporting agency, for the purpose of establishing an individual's capacity to make child support payments; amends KRS 405.991 to conform.

HB 165

AN ACT relating to disposition of property at death.

Creates new sections of KRS Chapter 397 to establish the Uniform Simultaneous Death Act (1991); creates a new section of KRS Chapter 394 to establish the Uniform Testamentary Additions to Trusts Act; amends KRS 391.360 to increase the number of written instruments which may provide for nonprobate transfer on death; repeals KRS 394.075, 397.010, 397.020, 397.030, 397.040, 397.050, 397.060, 397.070, and 397.080; prohibits retroactive application of the Uniform Simultaneous Death Act (1991).

HB 166

AN ACT relating to property.

Amends KRS 381.120 to clarify that when a joint tenant dies, the law governing distribution of the joint tenant's property shall apply whether the deceased joint tenant is a male or a female; amends KRS 381.130 to permit joint tenants to partition their interest in property; amends KRS 394.610 to permit a joint tenant to disclaim a succession interest in property created by the death of another joint tenant.

HB 168

AN ACT relating to cellular telecommunications facilities.

Creates new sections of KRS Chapter 100 to establish definitions; allows local planning units that have adopted planning or zoning regulations in accordance with KRS Chapter 100 to control the siting of cellular antenna towers in their jurisdiction; exempts any county containing a city of the first class from all provisions of the bill; requires planning commissions, legislative bodies or fiscal courts to register with the Public Service Commission before regulating the siting of cellular towers; establishes a uniform application process; requires all utilities or companies engaged in the business of providing the required infrastructure to a utility to submit a uniform application to the planning commission, include a provision for case of abandonment of the cellular tower in any contract with any property owner, and to comply with any local ordinances concerning land use; provides that all information in the uniform application is confidential and sets penalty of official misconduct in the second degree for violation; provides that the application is deemed approved by the planning commission if no decision is reached in sixty (60) days; requires the planning commission to notify the utility and Public Service Commission of their final decision; provides an automatic appeal to the Public Service commission for the utility; clarifies that federal and state laws could limit the application of this Act; gives the planning commission the authority to require a utility to attempt co-location of transmission equipment on any new or existing cellular antenna tower; requires utilities to provide the planning commission with information on where it attempted co-location and the reasons for any failed attempt in each case; provides the planning commission with the right to deny an application based on an unsuccessful attempt to co-locate; creates new sections of KRS Chapter 278 to give the Public Service Commission the authority to promulgate administrative regulations to set the content of the uniform application and to establish procedures to carry out its responsibilities under this Act; provides a severability clause; amends KRS 100.324 to conform.

HB 170

AN ACT relating to revenue and taxation and declaring an emergency.

Amends KRS 141.010 to change the Internal Revenue Code reference date from December 31, 1995 to December 31, 1997; provides that the Act applies to tax years beginning after December 31, 1996; EMERGENCY.

HB 171

AN ACT relating to radioactive waste.

Creates sections of KRS Chapter 211 to enforce the Central Midwest Interstate Low-Level Radioactive Waste Compact; establishes controls for the commerce of low-level radioactive waste into or out of Kentucky; declares that the state shall have exclusive

regulatory authority over naturally occurring radioactive material (NORM) except that commerce restrictions shall not be inconsistent with the compact commission; declares that certain low-level radioactive waste shall be exempt from the Act and regulation under KRS 211.859; requires the Cabinet for Health Services to adopt administrative regulations to administer and enforce the Act; provides penalties; allows for donations; creates a short title.

HB 172

AN ACT relating to a groundwater monitoring network.

Creates new sections of KRS 151 to direct the Kentucky Geological Survey to establish a long-term groundwater monitoring network to characterize the quality, quantity, and distribution of the state's groundwater resources; creates the Interagency Technical Advisory Committee on Groundwater.

HB 175

AN ACT relating to revenue and taxation.

Amends KRS 139.497 to exempt sales made by nonprofit educational youth programs affiliated with land grant university cooperative extension services from the sales and use tax; provides that the provisions of the Act will be effective for sales made after July 31, 1997.

HB 176

AN ACT relating to aquaculture.

Amends KRS 260.960 to define "aquaculture" and to require the Department of Agriculture to promote markets for aquacultural products.

HB 185

AN ACT relating to student activities.

Amends KRS 158.153 to clarify that local school districts may establish standards of behavior that students must demonstrate in order to participate in extracurricular activities, and may deny eligibility to a student who has violated those rules or may suspend a student's participation until the allegation that a violation has occurred has been resolved.

HB 187

AN ACT relating to hospital employees.

Creates new section of KRS Chapter 216B to require all employees of a hospital who are licensed, registered, certified or otherwise regulated under the laws of the Commonwealth to wear a badge or other insignia indicating that the person is a licensed, registered, certified, or otherwise regulated health care provider, provided that the badge or insignia does not violate sterile procedures; prohibits hospital from prohibiting a person who is licensed, registered, certified or otherwise regulated under the laws of the Commonwealth from wearing a badge or other insignia, provided that the badge or other insignia does not violate sterile procedures; provides that no other information shall appear on the badge unless approved by the hospital chief executive officer, facility manager, or designee; prohibits hospital from retaliating against employee who reports a violation to the cabinet; provides for a fine against the hospital of not less than \$100 and not more than \$500 for a violation.

HB 188

AN ACT relating to child abuse.

Amends KRS 532.045 to include classified and certified school employees in the definition of "position of authority" and prohibit probation for persons in a position of authority convicted of certain sexual offenses.

HB 189

AN ACT relating to the establishment of a task force to study the nature and extent of the provision of health care services to children in school by school personnel who are not licensed, certified, or permitted to perform those health care services.

Directs the Legislative Research Commission to establish a seven-member task force to study the nature and extent of the provision of health care services to children in public elementary and secondary schools by school personnel who are not licensed, certified, or permitted to perform those health care services; requires interim report submission by August 1, 1999, and final report of findings and recommendations to the 2000 Regular Session of the General Assembly; sunsets the task force; estimates cost of task force staff services at \$12,500.

HB 190

AN ACT relating to compulsory school attendance.

Adds nurse practitioner to the list of professionals authorized to sign a statement that a child's medical condition prevents or renders inadvisable attendance at school for purposes of compulsory school attendance.

HB 195

AN ACT relating to all-terrain vehicles.

Amends KRS 189.010, governing definitions used for traffic regulations, to amend the existing definition of an "all-terrain vehicle" and to delete references to width and weight; reduces the number of tires from "three (3) or more low pressured tires" to "two (2) or more tires"; deletes the prohibition to carrying passengers; amends KRS 189.515, relating to where all-terrain vehicles may be operated, to clarify that any vehicle that may legally use the public highways now will not be affected by the change in the definition of an all-terrain vehicle; permits a city, county, or the state to authorize the use of all-terrain vehicles on roads and adjoining right-of-way under their jurisdiction; provides persons operating all-terrain vehicles on private property shall not be required to wear a helmet; distinguishes between operation of an all terrain vehicle on private property and public property.

HB 198

AN ACT relating to property taxes.

Amends KRS 132.020 to provide that the five cent rate for goods held for sale in the regular course of business shall include goods held for sale or lease originating under a floor plan financing arrangement.

HB 199

AN ACT relating to property taxes.

Amends KRS 131.020 to delete reference to "individuals and corporations"; amends KRS 132.200 to exempt machinery actually engaged in manufacturing, and products in the course of manufacture from local property tax, whether or not the machinery and products are actually owned by the individual or entity engaged in manufacturing; amends to exempt new boats and new marine equipment held for retail sale under a floor plan financing arrangement.

HB 200

AN ACT relating to consumer protection.

Amends KRS 367.990 to permit the court to impose a fine of up to \$10,000 per violation when the defendant willfully commits an unfair trade practice against a person 60 or older if the defendant knows or should have known that the victim was substantially more vulnerable than other members of the public.

HB 201

AN ACT relating to joint sewer agencies.

Creates a new section of KRS Chapter 76 to permit cities of the third to sixth class to establish a sewer agency with the fiscal court or a sanitation district; amends KRS 76.233 to conform.

HB 202

AN ACT relating to sanitation districts.

Creates a new section of KRS Chapter 220 to provide an alternate method for dissolving sanitation districts in addition to the provisions of KRS 65.166; amends KRS 220.110 to delete language referring to the "perpetual existence" of sanitation districts.

HB 205

AN ACT relating to reorganization.

Amends KRS 164A.050, relating to the Kentucky Higher Education Student Loan Corporation, to increase the citizen members appointed by the Governor from 4 to 8; confirms Executive Orders 96-617 and 96-1138.

HB 206

AN ACT relating to economic development.

Creates new sections of Subchapter 20 of KRS Chapter 154 to create and establish the Kentucky Investment Fund Program; authorizes the Kentucky Economic Development Finance Authority (KEDFA) to certify investment funds and investment fund managers; under the definitions in section, excludes as an "investor" financial institutions or insurance companies, and excludes as a "qualified activity" any activity principally engaged in by retail establishments; permits investors whose cash contributions have been approved by KEDFA to claim state tax credit equal to forty percent of the cash contribution; requires that any funds for which credits are to be taken shall be limited to investments in Kentucky businesses that have less than one hundred employees with a net income after federal taxes not greater than \$2,000,000 for the preceding two fiscal years, and that have more than fifty percent of their assets, operations, and employees located in Kentucky; requires the initial capitalization of a

certified investment fund to be at least \$1,000,000; prohibits tax credits on investments in a fund for cash contributions in excess of \$10,000,000; limits the total amount of tax credits for all investors in all investment funds to \$20,000,000; specifies that tax credits taken are against corporate and personal income tax and corporate license tax; prescribes procedures for filing credit and direct Revenue Cabinet to implement procedures; requires reporting procedures; sets penalties for noncompliance; creates a new section of KRS Chapter 141 to establish procedures for determining the amount of tax credits by an investor; amends KRS 154.12-224, 154.47-040, 304.7-263 and 141.0205 to conform and repeals KRS 154.20-300 through 154.20-390, regarding the Commonwealth Venture Fund.

HB 211

AN ACT relating to boating.

Allows a water supply system to apply to the division to protect a water intake by preventing a vessel from mooring within 100 feet of an intake; allows a water supply system to apply to extend the area of protection up to 300 feet; requires the water supply system to be responsible for posting signs; exempts private or commercial docks from the provisions of subsection (1).

HB 212

AN ACT relating to small business.

Amends KRS 224.20-510 to require the Governor to appoint two small business owners to the Small Business Stationary Source Compliance Advisory Panel, to increase panel membership from 9 to 11, and to stagger the terms of the members of the panel; amends KRS 224.20-500 to find that it is in the best interests of Kentucky's small businesses to assist them in complying with all environmental protection regulatory programs instead of just the air emission control program; and amends KRS 224.20-505 to allow the Natural Resources and Environmental Protection Cabinet to assist small businesses, as funding allows, in complying with other environmental protection regulatory programs.

HB 215

AN ACT relating to school athletics.

Makes the final orders from administrative hearings conducted by the organization or agency managing interscholastic athletics not subject to review by the Kentucky Board of Education; makes any student who turns nineteen years of age prior to August 1 ineligible for high school athletics and any student who turns nineteen on or after August 1 eligible for that school year only.

HB 218

AN ACT relating to inactive license status for cosmetology licensees.

Amends KRS 317A.050 to create an inactive license for cosmetology licensees; exempts inactive licensees from annual continuing education; allows an inactive license to be restored and gives the board the discretion of imposing one year of continuing education requirements as a condition; establishes an inactive license fee of \$12; prohibits an inactive licensee from practicing cosmetology for consideration, but allows an inactive licensee to purchase supplies.

HB 226

AN ACT relating to check cashing and deferred deposit transactions and declaring an emergency.

Amends KRS 368.010 to include definitions for "deferred deposit transaction" and deferred "deposit service business"; amends KRS 368.020 to require a separate license for each business location; amends KRS 368.040 to require that an applicant post a letter of credit with the commissioner in specified amounts that increase with the number of business locations; amends KRS 368.030 to remove mortgage loan companies, mortgage loan brokers and pawn brokers from the Chapter 368 exemption list; amends KRS 368.060 to require an investigation fee of \$500 to accompany each application for a license for each location; amends KRS 368.080 to require a license fee of \$500 for each renewal for the first location and \$500 for each additional location; amends KRS 368.090 to allow the department to charge an examination fee sufficient to cover the cost of the examination; amends KRS 368.100 to establish that the fee charged cannot exceed \$15 per \$100 and that the fee is for a period of 14 days; amends KRS 368.070 to require a licensee to notify the department 15 business days before changing location or name; amends KRS 368.100 to require payment of fees when checks are cashed, cap licensee transactions from any one customer at any one time to a set face amount of \$500, list certain requirements to be met in writing by customer, limit amount of time check can be held by licensee to 60 days, prohibit prosecution under KRS 514.040 of individuals who enter into a deferred deposit transaction with a licensee; amends KRS 368.120 to establish that no license can be suspended without an opportunity for a hearing; creates a new section of KRS Chapter 368 to mandate that each licensee comply with the disclosure requirements of the Consumer Credit Protection Act, to require that every licensee display a schedule of fees in the office and in every branch office of the licensee, and to allow a licensee to charge, collect and receive check collection charges for each check returned or dishonored from a financial institution; amends KRS 368.110 to allow the commissioner to revoke or suspend all licenses issued to a licensee if revocation or suspension at any one location is of general application to all locations; creates a new section of KRS Chapter 368.010 to 368.120 to allow written complaints to be filed with and investigated by the commissioner, assign certain investigative powers to the commissioner; creates a new section of KRS Chapter 368.010 to 368.120 to establish that an annual report be filed with the commissioner by the licensee; amends to prohibit a licensee from prosecuting or threatening to prosecute an individual under the provisions of KRS 514.040; amends to require a licensee to post a notice that an individual who enters into a deferred deposit transaction will not be prosecuted under the provisions of KRS 514.040.

HB 229

AN ACT proposing an amendment to Section 170 of the Constitution of Kentucky relating to the finances of the Commonwealth.

Proposes to amend Section 170 of the Kentucky Constitution to provide that the homestead exemption applies to any individual classified as totally disabled under any retirement system within or without the Commonwealth; permits the General Assembly to exempt any class of personal property from taxation; provides for the submission of the measure to the voters.

HB 230

AN ACT relating to payroll deductions.

Amends KRS 65.158 to permit local governments to make payroll deductions from the pay of its employees upon the written request of at least thirty percent (30%) of all employees within a division or department.

HB 231

AN ACT relating to the Linked Deposit Investment Program.

Amends KRS 41.600 to delete the reference to an eligible agribusiness not being able to earn more than \$60,000 annual net income from nonfarm sources; amends KRS 41.610 to increase to \$100,000 the amount that a lender may loan to an eligible borrower, to increase to seven years the terms of a loan that a lender may make to an eligible borrower, to increase to the prime rate the rate that a lender may charge an eligible borrower, and to remove the restriction as to how much of the program's assets a lending institution may receive; amends KRS 41.615 to restrict the total outstanding principal debt a borrower may have in the Linked Deposit Investment Program to not more than \$100,000.

HB 233

AN ACT relating to the operation of canteens in jails.

Amends KRS 441.135 relating to canteens in jails to specify that the proceeds of canteen sales be used for the benefit or recreation of prisoners rather than benefit and recreation of prisoners.

HB 234

AN ACT relating to retirement.

Amends KRS 16.505 to clarify that "creditable compensation" means salary and wages includable on the member's federal W-2 and tax statements, that "act in the line of duty" for members under KRS 61.592 means principal duties, that "fiscal year" means the plan year which is July 1 through June 30, and that "participating" means currently earning service credit, not currently contributing; amends KRS 16.520 to redefine system participation; amends KRS 16.582 to tie the definition of "reasonable accommodation" to the federal code, to reference the definitions section to define "last day of paid employment," and to clarify the meaning of reemployment; amends KRS 16.596 to permit the board's medical examiner to recommend, in some cases, disability medical examinations once every five years; amends KRS 16.645 to include reference to hazardous duty positions in KRS 61.592; amends KRS 61.510 to clarify that "creditable compensation" means salary and wages includable on the member's federal W-2 and tax statements, that "fiscal year" also means plan year, and that "participating" means currently earning service credit, not currently contributing; amends KRS 61.525 to redefine system participation and to provide coverage for selected Kentucky Community and Technical College System personnel; amends KRS 61.545 to provide that school board employers and employees may pay the cost of service purchase and to standardize the appropriation of service credit for persons simultaneously eligible for membership in more than one KRS system; amends KRS 61.552 to allow members to purchase out-of-state service (hazardous and nonhazardous) in the system in which the employee is vested, to purchase entitled service which was not reported, and to purchase service with an agency that would have been eligible to participate in Kentucky Retirement

Systems but which did not participate and was later merged with or taken over by a participating department or county; amends KRS 61.555 to clarify meaning of "reemployed"; amends KRS 61.600 to reference the definitions section to define "last day of paid employment," to tie the definition of "reasonable accommodation" to the federal code, and to clarify the meaning of "reemployment"; amends KRS 61.605 to limit the service for determining disability benefits to 27 years for persons hired after July 15, 1998; amends KRS 61.610 to permit the board's medical examiner to recommend, in some cases, disability medical examinations once every five years; amends KRS 61.625 to clarify when a member may receive a contribution refund and include layoffs of 90 days or more; amends KRS 61.645 to exempt board contracts from the provisions of KRS Chapters 45 and 45A, board employees from being considered as legislative agents (re: KRS 6.611), board legal services from limitations of KRS Chapters 12 and 13B, and board investment-related expenditures from budget requirements of KRS Chapter 48; amends KRS 61.650 to limit the public availability of certain real estate documents until property has been acquired or sold; amends KRS 61.665 to clarify that all disability forms must be physically filed at the retirement office rather than "submitted"; amends KRS 61.675 to require nonexecutive branch (state government) agencies to file contribution reports by the end of the month following the end of the period being reported and provides financial penalty for failure to do so; amends KRS 61.680 to allow Legislators' Retirement Plan service to count toward the combined service needed to qualify for retirement; amends KRS 61.702 to redefine board payment of a retiree's health insurance to allow partial payment of premiums, to allow reciprocity of prorated costs among all state-administered retirement systems, and to provide hazardous dependent coverage based on the actual hazardous service; amends KRS 78.510 to clarify that "creditable compensation" means salary and wages includable on the member's federal W-2 and tax statements, that "fiscal year" also means plan year, that "temporary" also means probationary, and that "participating" means currently earning service credit, not currently contributing; amends KRS 78.540 to redefine "participating"; amends KRS 78.615 to require school boards to submit reports no later than 20 days after the completion of the fiscal year and provides a \$1,000 penalty for failure to do so plus additional late fees; amends KRS 78.616 to allow employers to pay 50 percent of the sick-leave conversion cost for employees (for sick leave in excess of six months); amends KRS 78.625 to provide that the interest charged be determined by the board rather than a flat 8 percent; amends KRS 61.555 and KRS 161.507 to allow KERS and KTRS members to purchase one month of retirement service credit for each six months service in the military reserves or National Guard by paying the full actuarial cost; amends KRS 61.637 to allow persons who retire and are reemployed by the same system to be reemployed and still receive their pension; amends KRS 61.680 to allow a member of one of the state-administered plans who ceases to contribute to the plan as provided in KRS 21.360 and who is employed in a nonelected position by an agency participating in the Kentucky Retirement Systems to be deemed to have elected membership in the system in which the employer of the nonelected position participates, and allow such a person who is not employed in a nonelected position to be deemed to have elected membership in the Kentucky Employees Retirement System.

HB 237

AN ACT relating to the Kentucky School for the Blind and the Kentucky School for the Deaf.

Amends KRS 167.015 to establish the Kentucky School for the Blind as the Statewide Educational Resource Center for the Blind and the Kentucky School for the Deaf as the Statewide Educational Resource Center for the Deaf; permits the School for the Blind and the School for the Deaf to enter into collaborative agreements with local school districts and other public and private agencies to provide programs to students; specifies that the Kentucky School for the Deaf and the Kentucky School for the Blind are schools that provide quality, full-time educational services to students.

HB 245

AN ACT relating to state personnel.

Amends KRS 151B.195 and KRS 163.470 to authorize the commissioners of the Department of Vocational Rehabilitation and the Department of the Blind to use funds from the Social Security reimbursement program to offer staff incentive pay to those employees that place either Social Security or Supplemental Security Income recipients into employment.

HB 246

AN ACT proposing an amendment to Sections 36 and 42 of the Constitution of Kentucky relating to legislative sessions.

Proposes an amendment to Section 36 of the Constitution of Kentucky to specify that in odd-numbered years the General Assembly shall convene in organizational session for five legislative days and then adjourn until the first Tuesday in February when they shall convene for twenty-five (25) legislative days for the interim session; proposes to amend Section 42 of the Kentucky Constitution to require that the interim session adjourn no later than March 30 of an odd-numbered year; proposes the language for the ballot question; provides for submission to the voters.

HB 248

AN ACT relating to highways.

Names a segment of US Highway 119 in Letcher County "The Letcher County Veterans Memorial Highway".

HB 249

AN ACT relating to emergency medical services for children.

Creates a new section of KRS 211.950 to 211.956 to declare purpose; amends KRS 221.950 to provide definitions of "advisory committee", "department", "emergency medical facility", "Emergency Medical Services for Children Program", "Emergency medical services personnel", and "prehospital care"; amends KRS 211.952 to require the lead agency for emergency medical services agency in the Department for Health Services to engage in data collection specifically related to emergency medical services and trauma care of children and establishes the Emergency Medical Services for Children (EMSC) Program; amends confidentiality requirements to include operations of the EMSC, Emergency Medical Services Council, and advisory committee and exclude records from KRS 61.805 to 61.884; creates a new section of KRS 211.950 to 211.956 to establish the EMSC Program, permit hiring of

program coordinator to implement the program and serve as liaison; sets forth requirements for program and development of guidelines and recommendations; creates a new section of KRS 211.950 to 211.956 to establish Emergency Medical Services for Children Advisory Committee; creates a new section of KRS 211.950 to 211.956 to provide for reporting on the EMSC program to the General Assembly every 2 years; provides that Act may be cited as Emergency Medical Services for Children Act.

HB 250

AN ACT relating to hazardous duty retirement.

Amends KRS 78.510 to define final compensation for members employed in a hazardous position as the average compensation of their three highest fiscal years, rather than the five highest; amends KRS 61.592 to increase the hazardous employee contribution, for an employee of the County Employees Retirement System, from 7% to 8% to partially offset cost of the improved benefit; amends KRS Chapter 16 to provide that the final compensation of members of the State Police Retirement System shall be based on the three highest years rather than the five highest years and increase the employee contribution rate from 7% to 8% to partially offset the cost.

HB 253

AN ACT relating to sales and use tax.

Amends 139.470 to exempt sales of \$0.50 or less of unsorted merchandise dispensed from vending machines; EFFECTIVE AUGUST 1, 1998.

HB 256

AN ACT relating to charitable food kitchens and declaring an emergency.

Amends KRS 217.015 to include charitable food kitchens in the definition of food service establishment; amends KRS 217.125 to exempt charitable food kitchens from payment of required fees; defines "charitable food kitchens"; retroactive to January 1, 1998; EMERGENCY.

HB 257

AN ACT relating to teachers' retirement.

Permits an active member to purchase teachers' retirement credit for service in a federal Head Start agency; requires the member of teachers' retirement to pay the full cost of purchasing the service credit; permits the member to make the purchase by installment payments.

HB 258

AN ACT relating to the Kentucky Egg Marketing Law.

Amends various sections of KRS Chapter 260 relating to egg marketing to exempt those from buying a license who sell only directly to consumers and do not exceed a sales limit of 60 dozen eggs per calendar week, rather than those who sell only eggs produced by their own flocks; provides for license renewals; subjects any person selling eggs without the required license to having his eggs removed from sale until a license has been acquired; increases certain license category fees; increases the assessment fee on all eggs bought or sold within the Commonwealth to \$.02 for each fifteen dozen shell egg lot; assesses a fee of \$.005

per 10 pound lot of pasteurized, liquid, or frozen egg products and a fee of \$.01 per 10 pound lot of dried, dehydrated, hard-cooked, or specialty egg products; prohibits licenses from being transferred; provides that those who are exempt from licensing are not exempt from inspection, with the exception of consumers; provides that the shell eggs or egg products used by these license-exempt persons are not exempt from the required assessment fee; amends labeling requirements for egg packs; prohibits egg cartons from being reused; provides the Department of Agriculture free access to any establishment where eggs are handled for the purpose of inspecting the premises to determine compliance with the provisions of the Kentucky egg marketing law; provides the department access to public eating places to determine compliance with the provisions of the Kentucky egg marketing law; allows inspectors to break any form of sealing on a case or container, and, if repacking is necessary, requires the original packer to absorb the expenses involved; requires egg cartons with cracked, leaking, or frozen eggs to be removed from a retail display on a daily basis; prohibits a retailer from reworking or repacking eggs into full cartons; amends penalty provisions to make violations of the egg marketing law consistent at a level not exceeding \$100 for each offense; requires the department to assess a penalty of not less than \$25 nor more than \$100 for each violation of improper labeling, requires the penalty funds to be credited to the department for use in carrying out the provisions of the egg marketing law.

HB 259

AN ACT relating to campaign finance violations.

Amends KRS 121.140 to restructure the administrative hearing logistics for campaign finance violations in which no conciliation agreement has been reached with the alleged violator to replace the three-judge hearing panel with a single retired justice or judge who will render a decision not more than 60 days after the case is submitted, which may be modified or set aside before becoming final at the Registry's next meeting, and which, once final, may be appealed within 30 days to the Franklin Circuit Court.

HB 263

AN ACT relating to charitable gaming and declaring an emergency.

Amends various sections of KRS Chapter 238; deletes financial consideration as a condition for being a charitable gaming facility; amends definition of "adjusted gross receipts" so that only merchandise prizes purchased must be deducted from gross receipts; defines the terms "special limited charity fundraising event", "immediate family", and "affiliate"; gives the Division of Charitable Gaming the authority to issue administrative subpoenas and summonses; replaces the representative of the County Clerks Association on the Charitable Gaming Advisory Commission with a representative of the Commonwealth Attorneys Association; gives the Division the discretion of issuing two year licenses; makes fingerprinting and a national criminal history background check mandatory only for applicants for manufacturer, distributor, and charitable gaming facility licenses; prohibits owners, officers, employees; and affiliates of a licensed manufacturer, distributor, or charitable gaming facility, or members of their immediate families, from obtaining any other license issued under KRS Chapter 238; prohibits manufacturers and distributors from providing training and consulting for charities and from storing supplies and equipment on facility premises; raises the threshold for exemption from \$5,000 to \$15,000 per year with a cumulative cap of \$15,000 per year; requires that the office or place of business of a licensee be a distinct

address, except that up to 3 charities may share an address if they legitimately share the office space; authorizes the release of federal IRS records to the Division; permits licensed charitable organizations that are allowed by law to conduct charitable gaming in an adjoining county to conduct charitable charity fundraising events in their home counties; creates a new section to revise and expand the 40% rule; calculates the 40% over a calendar year; exempts fees paid to the Division from the calculation; graduates the penalties as follows: (a) 35% to 39.9%- one year probation, (b) 30% to 34.9%- one year suspension, (c) below 30% or second consecutive violation- 2 year suspension; requires an acceptable financial plan for reinstatement; gives licensees who have had actions taken against them under the previous standards an opportunity to petition the Division for reconsideration under the new standards; requires 30 day advance notice of change of location, date, or time of gaming; prohibits a licensed manufacturer, distributor, and charitable gaming facility, their immediate families and affiliates from donating prizes to charitable organizations and prohibits charitable organizations from accepting same; specifies that a special license is not required for any wheel game, such as a cake wheel, that awards only noncash prizes under \$100; creates a new section to regulate special limited charity fundraising events; limits licensees to two such events per year not to exceed a 6 hour session between the hours of 12:00 noon and 1:00 a.m.; permits events to be held on unlicensed premises under specified conditions; requires games to be played only with chips, scrip, or imitation money which must be purchased through a central bank or cashier; permits payoffs to be in cash or noncash prizes which must be redeemed within 24 hours; clarifies provision dealing with the handling of adjusted gross receipts; requires license fees for charitable gaming facilities be graduated based on applicable factors; prohibits a charitable gaming facility from coordinating or soliciting the services of volunteers and from requiring the use of particular gaming supplies; requires facilities to provide certain goods and services with the cost of rent, goods, and services being itemized in the lease; gives licensees the option of providing their own goods and services with a commensurate reduction in cost reflected in the lease; requires all advertisements to contain the name of the charitable organization conducting the gaming and its license number; creates a new section giving added emphasis to the responsibility of local peace officers to prevent illegal charitable gaming; reduces the charitable gaming fee from .5% to .4%; EMERGENCY.

HB 264

AN ACT relating to motor carriers.

Amends various sections of KRS Chapter 138 to make more permissive the bonding and fee payment procedures required of motor carriers.

HB 265

AN ACT relating to motor vehicles.

Amends KRS 186.042, regarding handicapped parking license plates, to allow the issuance of handicapped plates for motorcycles.

HB 266

AN ACT relating to utility gross receipts taxes.

Amends KRS 160.617 to provide that the rate increase permitted for utilities subject to the utilities gross receipts tax shall not apply to entities, the gross receipts from which are exempt from the tax; provides that the gross receipts tax applies to telephonic and telegraphic

communications services, electrical power, water, and natural, artificial, or mixed gas purchased directly from a supplier and that the user shall be liable for the tax.

HB 267

AN Act relating to motor vehicle insurance.

Amends KRS 304.13-063 to allow three (3) to (5) years for the discount period.

HB 271

AN ACT relating to executive branch ethics.

Amends KRS 11A.010 to add to the definition of "business" any limited liability corporation and any limited liability partnership; deletes from the definition of "officer" other management personnel with procurement authority and adds to the definition any person who holds a personal service contract to perform on a full-time basis for a period not less than six months a function of any position listed in the definition of "officer"; modifies the definition of "agency" to include cabinets and to delete "institution"; declares that a public servant is employed by the agency by which his appointing authority is employed; establishes exceptions; adds to the definition of "lobbyist" any person employed as an executive agency lobbyist as defined in KRS 11A.201(8); defines "does business with or doing business with," "public agency," "appointing authority," and "represent"; amends KRS 11A.040 to include regulatory action as one of the transactions in which a public servant is prohibited from representing the state; includes bidding on and negotiating as two of the prohibited actions relating to a public servant doing business with the state; includes in the postemployment prohibition any business that is regulated by the state in matters in which the public servant was directly involved; amends KRS 11A.050, relating to financial disclosure statements, to change the requirement that an officer and public servant appointed to or employed in any position as of January 1 of any year file a statement for the preceding calendar year to a requirement that an officer or public servant who occupies his position during any portion of a calendar year file a statement for that entire calendar year whether or not he remains an officer or public servant; amends KRS 11A.110 to require a request for an advisory opinion to be signed; prohibits the commission from releasing the name of the person seeking an advisory opinion if that person requests in writing that his name not be released.

HB 272

AN ACT relating to executive branch ethics.

Amends KRS 11A.010 to define "lobbyist" to mean any person employed as a legislative agent as defined in KRS 6.611(22) or as an executive agency lobbyist as defined in KRS 11A.201(8); amends KRS 11A.040 provision relating to prohibiting a public servant from doing business with the state, to exempt purchases from a state agency which are available on the same terms to the general public or which are made at public auction; prohibits a former officer or public servant for a period of six months from doing business with the agency by which he was employed; establishes certain exemptions; prohibits a present or former officer or public servant, within six months following termination of state employment, from accepting employment by any person or business that is regulated by the state; directs that the post-employment provisions shall not prohibit an individual from returning to the same business, occupation, or profession for which he received, prior to his state employment, a professional degree or license; limits the post-employment prohibition

against acting as a lobbyist or lobbyist's principal to matters in which the former public servant was directly involved during the last thirty-six months of his state employment; limits the prohibition against representing a person or business before a state agency to a matter in which the public servant was involved during the last thirty-six months of his state employment; amends KRS 11A.060 to delete violation of KRS 11A.040(5) or (6), relating respectively to the prohibition against acceptance of outside compensation for performance of official duties and to the six-month post-employment prohibition, as a cause for removal of a commission member; amends KRS 11A.990 to conform.

HB 273

AN ACT relating to executive branch ethics.

Amends KRS 11A.080 to make various changes regarding preliminary investigations; specifies when a preliminary investigation shall begin; lowers from 60 days to 10 days the time between the commission's commencement of a preliminary investigation and its forwarding of the complaint or statement of possible violations to the person alleged to have committed a violation; amends KRS 11A.100 to change the name of adjudicatory proceedings to administrative proceedings; amends 11A.990 to allow the commission to grant a reasonable extension of time for filing a statement of financial disclosure for good cause shown; increases the limit in the statute of limitations from two years to four years.

HB 274

AN ACT relating to executive branch ethics.

Amends KRS 11A.040 to change the agency that is required to approve outside employment for public servants from the Executive Branch Ethics Commission to the public servant's appointing authority; requires the appointing authority to review the commission's administrative regulations under KRS Chapter 11A when deciding whether or not to approve outside employment for a public servant; prohibits the appointing authority from approving outside employment if the public servant is involved in decision-making or recommendations concerning the person or business from which the public servant seeks employment or compensation; requires the appointing authority to file a quarterly list of all employees approved for outside employment if applicable.

HB 275

AN ACT relating to executive branch ethics.

Amends KRS 11A.045 to prohibit a public servant, his spouse, or dependent child from knowingly accepting certain gifts and gratuities; establishes items that are exempt; amends KRS 11A.010 to delete "any other management personnel with procurement authority" from the definition of "officer".

HB 279

AN ACT relating to public health taxing districts.

Amends KRS 212.755 to permit public health taxing districts to impose a \$0.10 per \$100 ad valorem tax rate; EFFECTIVE JANUARY 1, 1999.

HB 280

AN ACT relating to skills training investment credits for workforce training.

Creates new sections of KRS Chapter 154 to define terms to allow the Bluegrass State Skills Corporation to award credits against Kentucky individual and corporate income tax, not to exceed \$500 per employee and \$100,000 per approved company per biennium for occupational and skills upgrade training; provides that the tax credits approved shall not exceed \$1,000,000 for fiscal year 1998-1999 and 1999-2000, and \$2,500,000 for each fiscal year thereafter; creates a new section of KRS Chapter 141 to define terms; determines the income tax credit allowed an approved company and amends KRS 141.0205 to include certain credits in the order of allowable tax credits.

HB 282

AN ACT relating to petroleum underground storage tanks.

Amends various sections of subchapter 60 of KRS Chapter 224 relating to the underground storage tank program to declare the goal of protecting the Petroleum Storage Tank Environmental Assurance Fund against fraudulent claims; revises the definition of corrective action; reduces by one-half the level of financial responsibility for tank owners and operators; allows the fund to certify corrective action contractors; requires the establishment of criteria for labs and the certification of labs; allows the fund to require prior approval of corrective action costs; allows the fund to conduct audits of contractors; allows inspections of petroleum storage tank corrective actions; allows audits to be paid for from the fund; requires the financial auditors to be present at petroleum storage tank remediation sites after April 1, 1999; allows a tank removal to proceed without an auditor present and without making the facility ineligible for fund participation if the tank owner notifies the office of the tank removal at least two weeks before the removal and the auditor fails to be present and after an opportunity for the fund to reschedule an auditor to be present; limits reimbursement to costs incurred to comply only with corrective action requirements established by the cabinet; stipulates that costs of remediation that are incurred to meet a local program's requirements shall be neither reimbursable by the fund nor imposed on the owner or operator; sets back the date to register tanks to July 15, 2000, from July 15, 1998; confirms Executive Order 96-485.

HB 284

AN ACT relating to reorganization of the Department of Law.

Amends KRS 15.010 to establish the major organizational units in the Department of Law; confirms the Attorney General's Reorganization Order 96-1.

HB 285

AN ACT relating to emergency medical services.

Creates a new section of KRS Chapter 311 to permit a paramedic who has successfully completed training in determination of death, utilizing protocol developed by State Board of Medical Licensure, to pronounce a person dead and call a coroner to the scene; creates a new section of KRS Chapter 314 to permit a registered nurse who has successfully completed training in determination of death, utilizing a protocol developed by the Board of Nursing, to pronounce a person dead and call a coroner to the scene; creates a new section of KRS Chapter 216B to specify that the State Board of Medical Licensure has sole jurisdiction relating to complaints against a physician serving as medical director of an

ambulance service, creates a new section of KRS Chapter 314 to provide that the Board of Nursing has sole jurisdiction relating to complaints against a nurse serving in a prehospital setting for an ambulance service; amends KRS 416B.410 relating to ambulance run reports to permit electronic filing of information and to provide that the state provide free master copy for making written reports, provides for authorized uses of ambulance run reports, provides that an ambulance run report is not a public record.

HB 286

AN ACT relating to policemen's and firefighter's pension funds in cities of the first class.

Amends KRS 95.290 to require that a majority of the members of the governing body of a pension system for police and firefighters in a city of the first class be persons receiving benefits from the systems; requires that actions of the governing body only need to be approved by a majority of those in attendance if a quorum of the entire body is present; establishes those purposes for which funds may be expended; establishes a method for the payment of excess funds in the form of a pension bonus as provided; clarifies the types of service expenses which may be incurred by the governing board; requires the city to the extent possible to treat each fund in a uniform manner; specifies that a portion of the excess funds paid in the form of a pension bonus be distributed in an equitable manner to all pension recipients; clarifies that nothing in the new language shall be construed to require any change to be made to any pension ordinance as it exists on the effective date of the Act; clarifies that no changes in the current fund structures or operation are required by this Act.

HB 287

AN ACT relating to administrative regulations.

Amends various sections of KRS Chapter 13A to establish filing and format requirements for notices of intent and administrative regulations; amends KRS 13A.280 to require consideration of all oral or written comments received, whether at the public hearing or otherwise, and to establish standards for deferral of regulation not amended after hearing; amends KRS 13A.330 to require transmittal of subcommittee request for Governor's determination to regulations compiler, and to provide that deficient regulation shall not expire if a subcommittee removes its finding of deficiency prior to receipt of Governor's determination; amends various sections of KRS Chapter 13A to conform.

HB 289

AN ACT relating to the affordable housing trust fund and making an appropriation therefor.

Provides that General Assembly may appropriate funds from unclaimed lottery prizes; provides for a transfer during FY 1998-1999 and 1999-2000 of amounts in excess of \$6 million to the affordable housing trust fund.

HB 299

AN ACT relating to traumatic brain injury.

Creates new sections of KRS Chapter 211 to define terms, establish the Kentucky Traumatic Brain Injury Trust Fund Board and set forth its operating parameters and duties; creates a new section of KRS Chapter 211 to establish the traumatic brain injury trust fund

and to establish criteria for expenditures from the fund; amends KRS 189.990 to impose an additional fee of \$10 against certain moving violations to be deposited in the trust fund; amends KRS 189.390 to impose an additional fee of \$10 against speeding violations to be deposited in the trust fund; amends KRS 189A.010 to impose an additional fee of \$20 against individuals convicted of DUI to be deposited in the trust fund; amends KRS 186.574 to conform.

HB 305

AN ACT relating to minimum wage.

Amends KRS 337.275 to adopt the federal minimum wage as the state minimum wage; provides that tipped employees be paid not less than the hourly wage rate for tipped employees as prescribed under the federal minimum hourly wage law in 29 U.S.C. section 203; restores provision that requires record keeping by employers for tipped credit purposes.

HB 306

AN ACT relating to the commissioner of workplace standards.

Amends KRS 336.050 to allow the commissioner of labor to enter into reciprocal agreements with other states for collection of unpaid wages in those states.

HB 307

AN ACT relating to the Kentucky Tuition Grant Program.

Amends KRS 164.785 to permit an individual whose disability, certified by a physician, prevents the individual from attending the eligible program of study full-time to still be eligible for the Kentucky Tuition Grant Program on a part-time basis; allows students who attend accredited institutions that operate for profit to be eligible for the Kentucky Tuition Grant Program.

HB 308

AN ACT relating to teacher scholarships.

Amends KRS 164.679 to add an exception to the definition of "qualified teaching service" to permit an individual with a disability certified by a licensed physician that prevents the individual from teaching a major portion of the day to qualify under the program.

HB 309

AN ACT relating to the state property and buildings commission.

Amends KRS 56.520 to provide that the State Property and Buildings Commission may invest proceeds from the sale of its revenue or other authorized bonds as provided in KRS 42.500.

HB 311

AN ACT relating to motor vehicles.

Amends various sections of KRS Chapters 186A and 186 to allow for a reduction in paperwork in the motor vehicle titling process; specifies that an applicant for a title shall not be required to provide a social security number; allows use of electronic medium to transfer information and eliminate paper transactions where possible; repeals KRS 186A.135, 186A.140, 186A.150, 186A.155, 186A.160, 186A.165, 186A.170, and 186A.175, allows the

Transportation Cabinet the flexibility to streamline these requirements in administrative regulations.

HB 312

AN ACT relating to structured settlements.

Creates a new section of KRS Chapter 454 to define terms; creates a new section of KRS 454 to require that a person desiring to transfer a structured settlement receive information regarding the financial impact from the entity seeking to purchase the structured settlement rights and to require court approval of any transfer; creates a new section of KRS Chapter 454 to require notice to all interested parties of the suit; provides that the provisions of the Act are effective for structured settlements payment rights reached on or after the effective date of the Act.

HB 313

AN ACT relating to wills.

Amends KRS 394.090 to prohibit a marriage from revoking a prior will; amends KRS 394.080 to conform.

HB 314

AN ACT providing for the adoption of the Uniform TOD Security Registration Act.

Creates new sections of KRS Chapter 292 to adopt the Uniform TOD Security Registration Act, permitting the transfer of a security, on the death of the owner, outside the probate estate; EFFECTIVE August 1, 1998.

HB 315

AN ACT relating to health insurance, making an appropriation therefor, and declaring an emergency.

Creates new sections of Subtitle 17A of KRS Chapter 304 to provide that insurers that provide health coverage for small employers must accept all individuals eligible for coverage in the group, the small group coverage must comply with provisions of the federal Health Insurance Portability and Affordability Act; requires individual policies to be issued on a guaranteed issue basis; requires all group plans to comply with federal law on pre-existing conditions and portability; prohibits pre-existing condition exclusions from applying to eligible individuals; requires that coverage of individuals who do not meet the definition of eligible individual must comply with federal law for groups on pre-existing conditions; requires guaranteed renewal of health insurance contracts; directs the commissioner to define a standard health benefit plan for the individual and small group markets; requires insurers in the individual and small group markets to offer the standard plan; requires guaranteed issuance of standard plan as allowed in Sections 2 and 3; requires that applicants be given a benefits comparison that compares the standard plan with the policy being offered to the applicant; requires the insurer that denies coverage in the individual market to issue a denial letter which includes a description of the Guaranteed Acceptance Program the name of a contact person; permits insurers that left the Commonwealth to apply to the Commissioner to reenter the health insurance market in the Commonwealth; amends KRS 304.17A-095 to require health insurers to submit a copy of rate filings to the Attorney General; allows the rate filing to be used after filing but before approval; requires a rate hearing if one is requested by the

Attorney General; creates a new section of Subtitle 17A of KRS Chapter 304 to regulate rates for individual, small group, and association plans; creates a new section of Subtitle 17A of KRS Chapter 304 to regulate rates for employer-organized association plans; prohibits the Health Purchasing Alliance from issuing or renewing any policies after the effective date of this Act and requires the Alliance activities to terminate no later than June 30, 1999; prohibits issuance or renewal of standard plans approved under KRS 304.17A-160; prohibits an insurer from discriminating against providers willing to meet the terms and conditions for participation in the insurer's plans; authorizes the commissioner to add to the statutory list of high-cost conditions; creates the Kentucky Guaranteed Acceptance Program and requires participation in the program by all insurers, stop-loss carriers, and self-insured employer,-controlled or bona fide associations, except self-insured plans covering employees of institutions of higher education and self-insured plans covering elected and salaried employees of cities, counties, urban-counties, charter counties, and special districts; restricts participation of the state employee health insurance fund in the guaranteed acceptance program; allows insurer renewing a nonstandard health benefit plan issued prior to July 15, 1995 to limit the renewal of that nonstandard plan, and requires that the insurer not be considered as doing business in the individual market, as further defined in the Act; requires a health care facility to include an itemized statement of services rendered and charges incurred by the patient with the invoice sent to the patient; requires insurers with 25 percent market share to be a program participating insurer; requires insurers before July 1, 1998 that have less than 25 percent market share to advise the commissioner whether it will participate as a participating insurer or a supporting insurer; provides that a health benefit plan is a program plan if purchased by an individual who is not a state employee and who within the previous three years has been diagnosed with or treated for a high-cost condition and is not eligible for other coverage; provides that for a health benefit plan that is a program plan at the time of first issuance, an insurer may charge an annual premium up to 150 percent of the index rate charge to a person with similar characteristics but without a high-cost condition; requires insurers to report certain information to the commissioner each fiscal year; requires the department to calculate insurers' assessments and refunds each fiscal year; requires the department to establish a risk assessment process, including a program account; provides that the program account shall be funded by appropriations from the General Assembly, premium taxes, annual assessments of stop-loss carriers, assessments on health benefit plan premiums, special assessments, gifts and grants, and interest or other earnings on the fund investments; permits insurers to include amount of assessments in any rate filing; requires the Commissioner to report on the program to each session of the General Assembly; requires the Auditor of Public Accounts to audit the program; creates patient protection provisions; requires insurers to disclose to enrollees, among other things, covered services, prior authorization requirements, right to appeal, a current participating provider directory, financial incentives between providers under contract with the insurer and other providers to which participating providers refer patients; and the plan's standard for waiting times for appointments; requires managed care plans to show it offers an adequate number of accessible hospital services and primary care providers; requires insurers to establish standards for selection of providers; requires for provision of continuity of care upon removal or withdrawal of provider; prohibits a provider being penalized for discussing with enrollee medically necessary or appropriate care; requires managed care plans to have drug utilization programs; requires disclosure of limits on coverage for any treatment, procedure, drug, or device; requires managed care plan to appoint a medical director;

provides for offer of out-of-network benefits; provides for patient's right of privacy; permits a employer-organized association to self-insure; creates a new section of KRS Chapter 6 to require a financial impact statement for mandated health benefits; creates a new section of Subtitle 2 of KRS Chapter 304 to create in the Department of Insurance a Consumer Protection and Education division; amends KRS 304.17A-150 on unfair trade practices; amends KRS 304.14-130 to make technical change; amends KRS 304.18-050 to delete association exemption; amends KRS 304.14-120, 304.38-200, 304.17A-145, 304.17A-170, 304.38-050, 216.2923, to make technical change; amends KRS 304.17A-080 to permit the Health Insurance Advisory Council to make recommendations on high-cost conditions; amends KRS 304.17A-010 to delete mandatory membership; amends KRS 141.010 to allow an exclusion from gross income for amounts paid for health insurance for taxable years beginning after December 31, 1998; requires a health care facility to provide a summary statement of services and charges; requires health benefit plans to educate insureds on availability of emergency and other medical services; requires health benefit plans to cover emergency department screening and stabilizations services both in and out of network; requires that emergency department personnel contact the patient's primary care provider or health benefit plan as quickly as possible for follow-up and post-stabilization services to promote a continuity of care; requires that women shall be able to choose a qualified health care provider offered by a plan for the provision of covered care necessary to provide routine and preventive women's health care services; adds a new section which amends KRS 142.311 to require that the provisions of KRS 142.311, or any part of KRS 142.303 and 142.307 which may impose a tax on prescription drugs, expire on June 30, 1999; amends KRS 304.12-085 to prohibit denial, cancellation, or refusal to renew health benefit coverage because of a genetics test; amends KRS 304.38-080 to delete open enrollment for health maintenance organizations; amends KRS 141.010 to allow individual income tax deductions for payments for health insurance; repeals KRS 304.17A-090 on commissioners review of rates; repeals as of July 1, 1999, KRS 304.17A-010, 304.17A-020, 304.17A-030, 304.17A-040, 304.17A-050, 304.17A-060, 304.17A-070, 304.17A-100, 304.17A-110, 304.17A-120 304.17A-160; appropriates \$10,000,000 to the Kentucky Guaranteed Acceptance Program; EMERGENCY.

HB 317

AN ACT relating to property tax.

Amends KRS 132.450 to provide that agricultural and horticultural land shall not lose its agricultural or horticultural assessment if it fails to meet the minimum ten-acre requirement because a portion of the land has been acquired for public purpose as long as the remaining land continues to meet the other requirements of the section; amends KRS 132.380 to provide that certificates issued to a successful candidate of the 1997 exam for property valuation administrator shall remain valid until after the November 1998 elections; amends KRS 132.385 to delete the provision that no longer applies that salary increases shall only be made if sufficient funds are available.

HB 318

AN ACT relating to carrying concealed deadly weapons.

Amends KRS 237.110 relating to concealed deadly weapon licenses to require record checks and permit issuing licenses only to those persons passing the record check; permits all retired Kentucky peace officers to apply for permits without fee; permits residents of other

states to carry concealed weapons in Kentucky based on out of state licenses; deletes references to out-of-state residents being able to apply for and receive a Kentucky license; requires state police to attempt to secure reciprocity for Kentucky licensees in other states; requires surrender of licenses upon renewal or change of address only after new license is available for issue; permits pastor and church officers to carry concealed deadly weapons on church property if they hold a concealed deadly weapon license.

HB 319

AN ACT making appropriations for operations, maintenance, and support of the legislative branch of the Commonwealth of Kentucky.

The Legislative Biennial Branch Budget: appropriates from the general fund \$31,725,500 for fiscal year 1998-99 and \$39,879,000 for fiscal year 1999-00; appropriates from restricted agency funds \$240,000 for fiscal year 1998-99 and \$190,000 for fiscal year 1999-00;

Appropriations are allocated as follows:

GENERAL ASSEMBLY

1998-99 \$ 8,874,000

1999-00 \$14,365,000

LEGISLATIVE RESEARCH COMMISSION

1998-99 \$23,091,500

1999-00 \$25,704,000;

limits Legislative Research Commission staff to 261 employees; provides that the above General Fund appropriation includes \$364,000 in fiscal year 1998-1999 and \$264,000 in fiscal year 1999-00 for capital projects as authorized in the Capital Projects Budget, Part II; provides director, with approval of the Legislative Research Commission, to expend funds appropriated for legislative operation and administration; limits legislators per diem on out-of-state travel to seven days, without prior approval; provides for an increase in the salary and per diem for members of the General Assembly; provides appropriation items and sums conform with KRS 48.311; provides that duplicate appropriations be governed by KRS 48.312; provides that total or subtotal conflicts be governed by 48.313; provides that revisions to restricted and federal funds appropriations be made and reported pursuant to KRS 48.630(10); requires the director prepare a final budget document for the 1998-00 budget of the legislative branch and be furnished to the Finance and Administration Cabinet; requires the Task Force to conduct a study and make recommendations to LRC no later than July 1, 1999; requires the LRC to designate the Chair of the Task Force, fund utilization of LRC staff services from the Current Services Budget of the Legislative Research Commission, make staff services subject to the limitations and other responsibilities of the LRC.

HB 320

AN ACT making appropriations for the operations, maintenance, support, and functioning of the judicial branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state supported activities.

The Judicial Branch Budget Bill: appropriates in the Court of Justice moneys from the general fund, restricted funds, and federal funds totaling \$158,809,100 in fiscal year 1998-99 and \$174,511,200 in fiscal year 1999-00; provides for a 5% salary adjustment for fiscal year 1998-99 and 1999-00 for non-elected court personnel; provides for a 5% salary adjustment in

fiscal year 1998-99 and 1999-00 for justices and judges, and circuit court clerks; provides general fund amounts for the actuarial assessed needs of the Judicial Form Retirement System; provides general fund amounts for the Court Facility Use Allowance Contingency Fund and the Court Designated Worker Case Management System; provides restricted funds for the Jefferson County Court Technology Improvement System; provides for the following local facility capital projects:

Bell County	\$ 6,393,200
Christian County	\$ 9,560,800
Project Pool	\$ 18,507,300
Henderson County	\$ 8,019,800
Kenton County	\$ 4,515,600
Marshall County	\$ 7,383,800
Harrison County	\$ 6,152,000
Boone County	\$ 7,971,900
Fayette County	\$62,500,000
Lyon County	\$ 4,758,500
McCreary County	\$ 5,183,100
ADA Pool	\$ 3,952,200
Harlan County	\$ 5,857,400
Lewis County	\$ 5,299,700
McLean County	\$ 3,752,100
Lincoln County	\$ 2,260,000
Mason County	\$ 4,531,700;

provides for lease office and Court of Appeals space in Franklin County; provides that all court projects shall be in compliance with the standards as set by the National Center for State Courts; authorizes the expansion of the Kenton County Courthouse Project from \$26,494,000 authorized in 1996 to \$31,009,600 and defer corresponding use allowance payment totaling \$696,000 to the next biennium; clarifies language related to Fayette County courthouse project; authorizes expanded project scope of the Lincoln County Courthouse Project to \$2,260,000; defers use allowance payments and related operating expenses until FB 2000-02 for courthouse project authorized in Bell, Christian, Henderson, Harrison, McCreary, Marshall, Lyon, Boone, Harlan, Lewis, and McLean counties; provides for use allowance payments for Henderson County Courthouse Project in the amount of \$491,000 in fiscal year 2000, based on a June 1, 2000 occupancy, and for Mason County Courthouse Project from the Current Services budget in Local Facilities Fund totaling \$131,000 in fiscal year 1999-2000; provides that any unexpended balance in the Contingency Fund shall not lapse but shall be continued; provides that project cost over-runs that exceed available funds in the Contingency Fund shall become a necessary governmental expense; provides that the director of the Administrative Office of the Courts with the approval of the Chief Justice may expend any of the funds appropriated for the court operations and administration; provides that appropriated items and sums comply with KRS 48.311; provides that duplicate appropriations be governed by KRS 48.312; provides that revisions to restricted and federal funds be reported pursuant to KRS 48.630(10); requires that the director of the Administrative Office of the Courts prepare a final budget document.

HB 321

AN ACT relating to appropriations providing financing for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state supported activities.

Appropriate for operating and capital projects budgets from the General Fund, Road Fund, Restricted Funds, Federal Funds, Bond Funds, Agency Funds, capital construction surplus, investment income, surplus bond proceeds, and other funds, as indicated: \$49,964,100 in fiscal year 1997-98; \$16,002,781,200 in fiscal year 1998-99; and \$14,823,944,600 in fiscal year 1999-2000; provides for the recording, reporting, allotment, and expenditure of appropriated funds; provides for the deposit of restricted funds and federal funds; prohibit the transfer of funds between budget units unless specifically authorized, and upon review and determination by the Interim Joint Committee on Appropriations and Revenue; provides that any excess General Fund or Road Fund debt service shall lapse to the respective surplus account pursuant to KRS 48.720; provides that no appropriation from any fund source shall exceed the sum specified until the agency has submitted required documentation to the Interim Joint Committee on Appropriations and Revenue for review and action pursuant to KRS 48.630; provides for the allotment of unbudgeted appropriations; provides that all questions regarding the interpretation of any appropriation shall be decided by the Secretary of the Finance and Administration Cabinet pursuant to KRS 48.500; provides that within 60 days upon adjournment of the 1998 General Assembly the Governor's Office for Policy and Management shall prepare a final budget document based on the proposed Executive Budget as enacted by the 1998 General Assembly, and other acts which contain appropriation provisions for the 1998-2000 biennium, and based upon supporting documentation and legislative records as considered by the 1998 General Assembly, and the statutory budget memorandum; provides that the Secretary of the Finance and Administration Cabinet monitor and report on the financial condition of the Commonwealth pursuant to KRS 48.400; provides that no additional funds be deposited in the Budget Reserve Trust Fund for 1998-2000 except as provided in this Act; provides that the employer contribution rate for KERS be nor more than 8.03 percent for nonhazardous duty employees, 18.66 percent for hazardous duty employees, and 23.41 percent for State Police; provides a 5 percent annual increment each fiscal year for state personnel and for a budgeted positions record; provides for restricted funds transfers to the General Fund; provides for the interim revisions of restricted funds and federal funds; provides for funds transfers; provides for use of unclaimed lottery prize money for affordable housing trust fund; provides capital projects funding for state projects that impact drainage in City of Frankfort; revise the highway plan; amortize teacher's retirement benefits; provides for postsecondary regional education centers; provides for a General Fund Budget Reduction Plan; provides for a Road Fund Budget Reduction Plan and a Road Fund Surplus Expenditure Plan; provides conditions, directives, and mandates for the following budget units: Attorney General, Legal Services Contracts, Deputy and Assistant Attorneys General Salaries; Auditor of Public Accounts, State Agencies Audit Services Contracts, Audit Records and Status Reports, Charges for Federal, State, and Local Audits; Kentucky Retirement Systems, Contracting Legal Services, Economic Development, East and West Kentucky Corporations' and Regional Offices' Strategic Plan, Financial Incentives; Department of Education, Allocation of Support Education Excellence in Kentucky Funds, Minimum Statewide Salary Schedules; Executive Policy and Management, Employment of

Personnel; Management Support Services, Funding for Employer Health and Life Insurance and Retirement Contributions; Learning Results Services, School Rewards Trust Fund, Kentucky Education Technology System; Learning Support Services, Family Resource and Youth Services Centers, Education Professional Standards Board; Education, Arts, and Humanities, Teachers' Retirement System, Distinguished Educators Retirement Benefits, School Facilities Construction Commission, Local Districts Facilities Plans; Families and Children, Cabinet level, Maximizing Federal Funds, Social Insurance - Benefits; Finance and Administration, Federally Assisted Wastewater Loan Fund and Federally Assisted Water Supply Revolving Fund; Health Services, Cabinet level, Maximizing Federal Funds, Medicaid Services - Benefits, Hospital Indigent Patient Reporting, Hospital Indigent Patient Billing, Provider Tax Information, Indigent Care Posting, Settlement of Obligations Incurred Prior to Repaid Capitation, Disproportionate Share Hospital (DSH) Payments, Quality and Charity Care Trust Fund, Department for Mental Health/Mental Retardation, Computer System; Justice, Legal Aid Restrictions; State Police, Salary Increase; Community Services and Local Facilities, Adult Institutions; Labor, General Administration and Support, Monthly Reporting; Natural Resources and Environmental Protection, Department for Natural Resources, Budget Management; Kentucky River Authority, Water Withdrawal Fees; Public Service Commission, Public Service Commission Building; Attorney General, Tobacco Settlement Account; Asbestos Litigation Reimbursement; Annual and Sick Leave Service; Auditor of Public Accounts, Empower Kentucky Audit Expenses; Department of Agriculture, Kentucky Farm Winery Corporation; Kentucky Veterans' Center, Economic Development, Regional Industrial Park Program Reports; Financial Incentives, Kentucky Woods Product Competitiveness Corporation Reports; Department of Education, Kentucky Education Technology System; Teachers' Compensation Pilot Project; Community After School program; Education, Arts and Humanities, East Kentucky Center for Science, Math, and Technology Resources/Exhibits Work Center; Four Rivers Center; Social Insurance-Benefits, Energy Assistance Trust Fund; Education for Recipients of Public Assistance; Personal Care Homes; Department for Social Services, Emergency Shelter; Outreach Programs; Homecare Match; Budget and Financial Administration; Aging Services, Medicaid Services Waivers; Health Services, Nursing Facility Budget Medicaid Budget Analysis; Department for Public Health, Public Health Department Services for Indigent Persons; Prescription Tracking System; Mental Health/Mental Retardation, Assistive Technology Loan Fund; Certificate of Need, Certificate of Need Exemption; Administration Support, Appropriation Revisions; Program Administration; State Police, Salary Policies; Community Services and Local Facilities, Probation and Parole Career Ladder Program; Adult Institutions, Inmate Projection/Bed Status and Financial Reports; Private Prison Bed Expansion; Natural Resources and Environmental Protection, Empower Kentucky Simplified Regulatory Initiative; Jenny Wiley Trail; Clean Air Task Force and Quarterly Reports; Postsecondary Education, Regional Postsecondary Education Center; Programs of Distinction or Research Initiatives; Research Challenge Trust Fund Account; Regional University of Excellence Trust Fund; Eastern Kentucky University, Southeast Regional Postsecondary Education Center; Murray State University, West Regional Postsecondary Education Center; Western Kentucky University, Central Regional Postsecondary Education Center-Phase I; South Regional Postsecondary Education Center-Phase I; Kentucky Community Technical College System, Community College System Faculty Salaries; Space Allocation; Belinda Mason Academic Technical Center; Tourism Development, Golf Course Initiatives; Golf Course Design; Marketing

Strategy Report; Department of Fish and Wildlife, Analysis of Compensation levels; Transportation, Transportation Cabinet Office Building; Revenue Sharing Budget Transfer; New Economic Development Road Bond Usage; State Match Provisions; Excess Debt Service/Lease-Rental Appropriations; Permanent Positions Cap; Financial Reports; Public Transportation; A-A Highway Traffic Accident Study; Access Permits; Highway Plans; Workforce Development, Area Vocational Education Centers Participation in the Education Technology Program; assessment test; provides authority for Pine Mountain State Park Lake Development - \$500,000, and Knott County Central Community Recreational Field Renovation - \$250,000; provides \$1,000,000 for the state share of Gubernatorial campaign financing, with the balance deemed a necessary governmental expense; provides that offers of assistance for newly authorized bonds are limited to a total of \$201,000,000, as set forth in Part II, Capital Projects; provides \$5,000,000 General Fund in fiscal year 1998-99, which can carry forward to fiscal year 1999-2000, to replace the repealed pharmacy provider tax; fund Owsley County Sheriff's Law Enforcement Program with General Fund instead of Restricted Funds; provides bonding authorization for the University of Kentucky Center for Rural Health from Restricted Agency Bonds, instead of General Fund supported Bond Funds, for \$6,000,000 (original amount was \$10,000,000); provides \$500,000 from the General Fund annually for grants to counties for the local public advocacy program (Jefferson and Fayette Counties); provides \$200,000 from the General Fund annually for interpreters; increase Capital Construction and Equipment Purchase Contingency Fund from \$5,000,000 to \$7,500,000 of Investment Income moneys and reduce the Statewide Deferred Maintenance Pool from \$3,500,000 to \$1,000,000; provides from the General Fund \$275,000 for the Local Rescue Squads Grant Program and \$715,000 for the Local Fire Departments Capital Assistance Program, projects were funded from Restricted Funds in the Housing, Building and Construction budget unit; provides for the 1998-99 General Fund balance to be designated in the statutory budget memorandum; specifies the tax rate for dispensing or delivering prescription drugs at fifteen cents per prescription for payment received after June 30, 1999; excludes from adjusted gross income for taxable years after December 1998, 70% of amount paid for health insurance by taxpayers and dependents; prohibits refund or credit for tax overpayment collected under KRS Chapter 141 that is attributable to filing consolidated, combined, or unitary business return under specified conditions; requires all health plans to provide coverage for treatment of autism of a child covered by the policy, waive sovereign immunity to the extent of motor vehicle liability coverage when purchased by government agency; provides that definition of adjusted gross income pursuant to KRS 141.010(10) is modified to exclude capital gains income attributable to property taken by eminent domain; directs Finance Secretary and State Budget Director to implement necessary action to achieve debt service cost savings for fiscal year 1999-2000 and report actions and finding to the Interim Joint Committee on Appropriations and Revenue; provides for calendar for local school districts utilizing 1,050 hours of instructional time; provides for consumer price index directing the identification of the percent increase for all urban consumers between the two (2) most recent calendar years (percentage increase for calendar years 1996 and 1997 is two and three-tenths percent); provides that the McCracken County School District be allowed one day of mourning and be required to complete the equivalent of one hundred seventy-four (174) instructional days during the 1997-1998 school year; provides that if amounts appropriated for the assessment program are insufficient to meet testing program costs, funds may be transferred from the pupil transportation component of the Support Education

Excellence in Kentucky (SEEK) Program and the total amount expended for the testing program shall not exceed \$8,100,000 in each fiscal year; specifies who may serve on school-based decision making councils as parents representatives, and requires councils to adopt policies relating to selection of personnel; provides for expenditure by advisory council of Gifted and Talented Education program funds; provides for surface coal mining permits block process under specified conditions; provides for Restricted Funds generated by the fee, license, and permit charges authorized by 1998 House Bill 550 to be deposited in the General Fund; provides process for resolution of disputes; transfer Sleepy Hollow Golf Course and the Coal Mine Museum to the Department of Parks; revises project title of Priority # 27 to Springfield Water and Wastewater Projects; revises project title of Priority # 57 to City of Lebanon Community Center; revises project title of Priority # 69 to Jessamine/Mercer/Boyle Counties and allocates \$850,000 to Camp Nelson - Civil War Battlefield Trust and \$20,000 to Burgin Independent School System; revises project scope and designate projects in Multiple Projects Pool, Priority # 86; revises project title to Priority # 106 to Simpson County - Industrial Park; revises project scope and designate projects in Miscellaneous Projects Pool, Priority # 144; revises project scope and designate projects in Consolidated Projects Pool, Priority # 146; provides additional General Fund operating support of \$640,300 in fiscal year 1998-99 and \$634,000 in fiscal year 1999-2000; provides \$2,160,800 in each fiscal year for contracting 200 additional minimum security private prisons beds at Otter Creek Correctional Complex starting July 1, 1998, based on per diem rate of \$29.60 per bed; provides a combined two-year \$450,530,000 Plan with contingent annual appropriations and related maximum amounts for component funds; provides \$110,000,000 for Endowed Chairs, \$107,730,000 for priority project items, \$127,000,000, for bond-supported projects, with annual debt service in Operating Budget, \$93,500,000 for State Technology projects, and \$42,000,000 for Budget Reserve Trust Fund; provides for additional deposit of excess General Fund Surplus resources to enable Budget Reserve Trust Fund balance to total 5% of actual General Fund revenue receipts; and revises Plan to conform to the Conference Budget Report.

(VETOED by Governor -- Two Items)

HB 325

AN ACT relating to the Department of Corrections.

Amends KRS 72.025 relating to postmortem examinations to require postmortem examinations of condemned prisoners; amends KRS 196.270 relating to centralized canteen operations to include private prisons; amends KRS 197.020 relating to corrections regulations to permit charging fees to prisoners for medical and dental care; amends KRS 197.025 relating to open records to specify prisoner and parolee access to records; amends KRS 439.470 relating to rules of conduct for probationers and parolees to permit use of monitoring devices and charging of fees for their use.

HB 328

AN ACT relating to tax administration.

Amends KRS 131.155 to establish a three year phase in of the reduction in amount over which tax and other fee payments collected by the Revenue Cabinet must be remitted by electronic fund transfer so that at full phase in, any taxpayer or other person responsible for collecting and remitting taxes or fees administered by the Revenue Cabinet with average liabilities in excess of \$10,000 will be required to remit payment by electronic funds transfer;

requires the cabinet to promulgate administrative regulations establishing requirements for electronic funds transfer; amends KRS 131.990 to establish a penalty for failure to comply with transfer provisions; allows the Revenue Cabinet to waive the electronic funds transfer requirement for taxpayers who are unable to do so; allows taxpayers who pay by electronic funds transfer to receive refunds by electronic funds transfer after July 1, 2001; provides that the Act is effective for remittances made on or after August 1, 1998; provides that the cabinet may enter into agreements with out-of-state retailers for the collection of the motor fuels tax and the petroleum environmental assurance fee.

HB 330

AN ACT relating to school safety and declaring an emergency.

Creates new sections of KRS Chapter 158 to establish the Center for School Safety under the control of a board of directors to be located at a public university to serve as the central point for data analysis, research, and dissemination of information relating to school safety; establishes the center's board of directors appointed by the Governor and to include state officers representing the departments of education, juvenile justice, social services, and mental health and non state government officers representing local boards of education, superintendents, school administrators, school councils, teachers and classified employees to serve two year terms; requires the Kentucky Department of Education to establish and maintain a statewide data collection system by which school districts report data relating to school safety issues; requires that twenty percent of the funds appropriated in the biennial budget for the school safety fund program in 1998-99 and ten percent in 1999-2000 shall be used for the operation of the center and for grants to be distributed by the center to support exemplary programs in local school districts and the remainder of the appropriations to be distributed on a per pupil basis to be used for improving school safety and student discipline through alternative education programs and intervention services; creates a new section of KRS Chapter 605 to direct the Department of Juvenile Justice to provide, based on available general fund appropriations, a day treatment program, accessible to every school district by August 1, 2000; amends KRS 157.360 to provide that funds generated by the number of at-risk students in the district may be used to pay a hazardous duty pay supplement as determined by the district to the teachers who work in alternative programs with students who are violent or assaultive; amends KRS 158.148 to provide that the Kentucky Department of Education in collaboration with the Center for School Safety and other agencies and organizations develop statewide student discipline guidelines and recommendations to improve the learning environment, student achievement, and to reduce the dropout rate; requires each public school and each local school district to complete an assessment of school safety and student discipline during 1998-99 and prepare a district school safety plan including a code of conduct and a description of instructional placement options for threatening or violent students; requires the assessment as an eligibility prerequisite for state grant funds, beginning in 1999-2000; amends KRS 158.150 to require that each local district develop a code of acceptable behavior and discipline and describes the responsibilities of local personnel in the development and communication of the code to parents, students, and others; requires that a local board of education provide or assure for the alternative placement of any student who has been expelled for having a weapon at school; requires disciplinary actions, up to and including, expulsion for a student for any student determined to have used or brought illegal and prescription drugs to school for sale or distribution and to have assaulted or abused

school personnel or a student; requires local school board to provide or assure alternative placement for expelled students program except when the board has determined on the record by clear and convincing evidence that an expelled student poses a threat to students and staff and cannot be placed in a state agency program; requires the local board of education to adopt a policy on the removal of threatening or violent students pending further disciplinary action; creates a new section of KRS Chapter 158 to require the school principal to report to the local law enforcement agency acts of violence occurring on school property; allows funds generated under the at-risk add-on of the support education excellence in Kentucky funding program to be used for hazardous duty pay supplements for teachers in alternative programs serving violent students; establishes procedures for disclosing information about a child who is found guilty of certain offenses; amends KRS 610.345 to require that in the cases of violent offenders that adjudication notifications be furnished by the courts to the school principal within five (5) days of the order and requires that the principal share information with the classroom teachers who have the student enrolled and permit the principal to share the information with selected school personnel including transportation personnel; amends other sections of KRS Chapter 610 to conform; EMERGENCY.

HB 332

AN ACT relating to the contracting out of government services.

Creates various new sections of KRS 45A to define "privatize," "privatization contract," and "services"; permits a state agency to enter into a privatization contract upon approval of the Finance and Administration Cabinet; requires a state agency to make certain written determinations before recommending to the Cabinet that it enter into a privatization contract; requires certain written submissions to the Cabinet when a state agency determines that it can efficiently provide the service and chooses to proceed with privatization; directs that all required information be submitted to the Finance and Administration Cabinet for its review and approval prior to proceeding with the contracting provisions of KRS Chapter 45A; directs the state agency to retain responsibility for ensuring the quality and reliability of the service; directs that all records prepared, owned, used, in the possession of, or retained by a state agency in conjunction with the approval, evaluation, or enforcement of a privatization contract, unless exempt under another statute, shall be public records governed by KRS 61.870 to 61.884; requires the Finance and Administration Cabinet to develop, by administrative regulations, a process for evaluating the information submitted by a requesting state agency for use in determining whether to approve privatization of a government service; requires the contracting state agency to annually evaluate the performance of an awarded privatization contract and report its findings to the Governor, the Auditor of Public Accounts, and the Legislative Research Commission; requires the contracting state agency to provide for an evaluation of the performance of any privatization contract awarded in the amount of \$500,000 or more annually; requires the review to include but not be limited to determining whether the contractor is complying with all applicable statutory requirements and the provisions of the contract; requires the performance evaluation to be forwarded to the Auditor of Public Accounts and the Legislative Research Commission; directs that the evaluation be subject to review by the Auditor of Public Accounts, who shall report any findings to the Legislative Research Commission; directs that provisions shall not apply to privatization contracts awarded prior to the effective date, or any renewals thereof; amends KRS 11A.130 to permit officers and public servants who were not involved in making the decision to

privatize or in developing the provisions of the privatization contract to accept employment from the person or business that is operating a privatized service.

HB 333

AN ACT relating to the Substance Abuse, Pregnancy and Women of Childbearing Age Work Group.

Amends KRS 222.021, relating to the Substance Abuse and Pregnancy Work Group, to rename the Work Group as the "Substance Abuse, Pregnancy and Women of Childbearing Age Work Group", expand its membership, change its reporting timetable, and extend its expiration date from July 15, 1998, to July 15, 2002.

HB 336

AN ACT relating to probation and parole officers.

Amends KRS 197.076 relating to probation and parole officer salaries to create a probation and parole officer IV career ladder for officers with 15 or more years experience.

HB 337

AN ACT relating to the statewide public advocacy system.

Amends KRS 31.051 to increase the fee an indigent person must pay to Department of Public Advocacy from \$40 to \$50; provides that when a criminal defendant pays the fee for public advocacy representation to the circuit clerk that the fee must be accompanied by an additional fee of \$2.50 to be paid directly to the circuit clerk and to be used to defray the costs of operation of the circuit clerk's office; provides that the handling fee paid to the circuit clerk shall be deposited in a trust and agency account and used for hiring and salary increases for clerks; amends KRS 31.070, relating to fees paid to attorneys for representing the indigent, to tie fees to those paid by Department for Public Advocacy; eliminates multiple defendant fee limitation; amends KRS 31.120, relating to payment of fees by circuit clerk to department, to allow for electronic reporting; amends KRS 31.170, relating to county public advocacy programs, to provide for payment of attorneys when county fails to provide an attorney; amends KRS 31.185 relating to fees paid by counties to public advocacy fund, to require all counties to pay into the fund; amends KRS 31.200, relating to defending persons confined in state correctional facilities to specify account to be used to pay expenses; amends KRS 31.240, relating to compensation by counties of public advocates, to remove provision relating to rates of payment and the state contribution.

HB 338

AN ACT relating to insurance.

Amends KRS 304.17A-300 to designate the subtitles of the insurance code apply to provider-sponsored integrated health delivery networks; amends KRS 304.17A-310 to delete authorization for a provider-sponsored integrated health delivery network to have a surety bond for initial net worth; amends KRS 304.38-200 to subject health maintenance organizations to the provisions of subtitles 6 and 8 of KRS Chapter 304.

HB 340

AN ACT relating to reorganization.

Creates new chapters of KRS Chapter 42 to establish the Kentucky Kare Health Insurance Authority to oversee the state's self-funded health insurance plan and define its membership, staffing, and duties; amends KRS 12.020, 18A.025, 18A.220, 18A.225, 18A.2288, 18A.229, 42.0245, 45A.022, 91A.080, 205.640, and various sections of KRS Chapters 136 and 304 to conform; repeals 18A.2281 - 18A.2285; confirms Executive Order 97-146 as amended by 97-238.

HB 341

AN ACT relating to reorganization.

Changes the name of the Tourism Cabinet to the Tourism Development Cabinet; changes the name of the Department of Travel Development to the Department of Travel; abolishes the Office of Film Promotion; abolishes the Citizens Advisory Commission on Kentucky Films.

HB 342

AN ACT relating to reorganization.

Creates a new section of KRS Subchapter 12 of KRS 154 to create the Office of Coal County Development within the Office of the Secretary of the Cabinet for Economic Development; confirms Resolution 97-1.

HB 343

AN ACT relating to reorganization.

Amends KRS 12.020 and various sections of KRS Chapters 42 and 45 to abolish the Capital Plaza Authority and transfer responsibility for the management of the Capital Plaza Civic Center and related facilities to a new Office of Capital Plaza Operations in the Finance and Administration Cabinet; abolishes the Joint Frankfort, Franklin County, Commonwealth of Kentucky Planning and Coordinating Committee; establishes a Capital Development Committee and defines its duties and membership; repeals various sections of KRS Chapter 58 relating to the Capital Plaza Authority; confirms Executive Order 97-1327.

HB 344

AN ACT relating to reorganization.

Amends KRS 154.12-223 to create the International Trade Division within the Department of Community Development; confirms Resolution 96-1.

HB 345

AN ACT relating to reorganization.

Confirms Executive Order 97-1625 which creates a Division of Technology and Communications within the Department of Parks within the Tourism Development Cabinet; requires that the director of the Division of Technology and Communications be appointed by the secretary of the Tourism Development Cabinet.

HB 346

AN ACT relating to government reorganization.

Confirms Executive Order 97-1374, relating to attaching the Animal Diagnostic Laboratory Advisory Committee to the Department of Agriculture for administrative purposes.

HB 347

AN ACT relating to reorganization.

Creates a new section of KRS Chapter 147A to create the Water Resource Development Commission, attached to the Department of Local Government; confirms Executive Order 96-1339.

HB 348

AN ACT relating to reorganization.

Amends KRS 42.0201 to delete the provision in (5)(a) which required the Division of Accounts within the Finance and Administration Cabinet to be responsible for debt issuance; amends various statutes to transfer the duties and functions relating to debt issuance for local entities from the Office of the Controller within the Finance and Administration Cabinet to the commissioner, Department of Local Government; repeals KRS 42.170; confirms Executive Order 96-1376.

HB 350

AN ACT relating to reorganization.

Confirms Executive Order 96-1576 to transfer certain programs, personnel, and funding from the Cabinet for Families and Children to the Department of Juvenile Justice in the Justice Cabinet; abolishes the Division of Children's Residential Services within the Department for Social Services, Cabinet for Families and Children.

HB 351

AN ACT relating to government reorganization.

Confirms Executive Order 96-1438, transferring the Emergency Food Assistance Program to the Department of Agriculture.

HB 352

AN ACT relating to reorganization.

Confirms Executive Order 97-26, dated January 7, 1997, dealing with the internal structure of the Department of Alcoholic Beverage Control.

HB 354

AN ACT relating to reorganization.

Confirms Executive Order 97-714 to change the name of the Division of Abandoned Lands to the Division of Abandoned Mine Lands.

HB 355

AN ACT relating to reorganization.

Amends KRS 287.011 to abolish three divisions in the Department of Financial Institutions and create three divisions and two offices; confirms Executive Order 97-723.

HB 356

AN ACT relating to reorganization.

Confirms Executive Order 97-827, dated July 3, 1997, transferring the Community Crisis Response Board from the Finance and Administration Cabinet to the Department of Military Affairs by repealing KRS 42.660, 42.665, 42.670, 42.675, and 42.680, and reenacting those provisions as new sections of KRS Chapter 36; adds a representative from the Kentucky Chapter of the Red Cross, from a state-wide chaplain's association, and the commissioner of the Department for Social Services to the board; amends KRS 506 to conform.

HB 357

AN ACT relating to the reorganization of the Finance and Administration Cabinet.

Amends KRS 42.027 to create the Division of Mechanical Maintenance and Operations in the Department of Facilities Management; renames the Division of Physical Plant as the Division of Building Services.

HB 358

AN ACT relating to reorganization.

Confirms Executive Order 97-891 to create the Division of Detention Programs and the Division of Educational Services in the Department of Juvenile Justice; renames certain Department of Juvenile Justice facilities.

HB 359

AN ACT relating to reorganization.

Confirms Executive Order 97-734, dated June 13, 1997, establishing the Division of Trial Services and the Division of Post Trial Services within the Department of Public Advocacy.

HB 360

AN ACT relating to reorganization.

Amends KRS 36.300 to establish the Office of Commissioner in the Department of Veterans' Affairs; confirms Executive Reorganization Order 97-733.

HB 361

AN ACT relating to reorganization.

Confirms Executive Order 97-1091 to create the Office of General Counsel and the Division of Administrative Services within the Office of the Secretary, Public Protection and Regulation Cabinet.

HB 362

AN ACT relating to reorganization.

Confirms Executive Order 97-1040 that abolishes the lock and dam section in the Natural Resources and Environmental Protection Cabinet and transfers its responsibilities to the Kentucky River Authority.

HB 363

AN ACT relating to reorganization.

Confirms Executive Order 97-1037 as amended by 97-1114 relating to reorganization of the Public Service Commission.

HB 364

AN ACT relating to reorganization.

Amends KRS 151B.020 to create within the Office of the Secretary, the Office of Personnel Services; changes title of Office of Policy, Budget and Personnel; abolishes the Division of Personnel; makes conforming amendments.

HB 365

AN ACT relating to reorganization.

Confirms Executive Order 97-1291, changing the name of the Kentucky Community Service Commission to the Commission on Community Volunteerism and Service.

HB 366

AN ACT relating to reorganization.

Confirms Executive Order 97-1386, which creates the Division of Mine Licensing within the Department of Mines and Minerals; changes the name of the Division of Mine Safety and Health to the Division of Mine Safety Inspection; changes the name of the Division of Mining, Training-Education, Certification and Instruction to the Division of Miner Training, Education and Certification.

HB 369

AN ACT relating to state designations.

Creates a new section of KRS Chapter 2 to designate Fleming County as the "Covered Bridge Capital of Kentucky"; designates Switzer Covered Bridge in Franklin County the official covered bridge of Kentucky; creates a new section of KRS Chapter 176 to rename and designate the Hillsboro Covered Bridge in Fleming County as the Grange City Covered Bridge.

HB 370

AN ACT relating to jail standards.

Amends KRS 441.055 relating to jail standards to require the Department of Corrections to adopt the standards of the Jail Standards Commission and promulgate administrative regulations for those jails that elect not to hold state prisoners and limits such standards to health and life safety conditions; amends KRS 441.064 to require the Department of Corrections to biannually inspect all jails at least biannually.

HB 371

AN ACT relating to solid waste management.

Creates House Bill 371 Task Force to review original version of House Bill 371 which does the following: creates new sections of subchapter 43 of KRS 224 to create a container recycling program; establishes refund value for containers and charge the consumer a deposit equal to the refund value stated on the container; requires that containers having a refund value be labeled so; requires Natural Resources and Environmental Protection Cabinet to identify other plastic containers that can be recycled for a minimum refund value; requires counties to establish recycling centers for containers; allows other entities to establish recycling centers subject to county approval; designates recycling centers as redemption point for containers; requires recycling centers to accept a recyclable material not covered by a refund value; requires distributors to pay refund value to Revenue Cabinet and set penalties for late payments; requires the authority to develop and implement a grant and loan program for recycling centers and local governments to use in solid waste management; establishes the Container Recycling Fund; creates a revolving loan fund; requires the authority to franchise or contract with processors to collect redeemed containers from recycling centers; allows authority to make contracts for securing a market for recycled containers; establishes fee for containers with low recycling value; creates the Authority for Infrastructure Development; establishes membership of the authority; creates the Kentucky Recycling and Marketing Advisory Board; establishes membership and terms of the board; establishes duties of the authority; establishes penalties for violations; requires solid waste management plans to include container recycling centers; amends sections of KRS 224 and 244 to conform.

HB 372

AN ACT relating to operator's licenses.

Creates a new section of KRS 186.400 to KRS 186.640 to allow an original hospital birth certificate signed by the attending physician to be used to certify the birth date of an applicant for an instruction permit or operator's license.

HB 375

AN ACT relating to the Commission on Sports, Physical Activity, and Wellness.

Creates a new section of KRS Chapter 11 to establish the Governor's Commission on Sports, Physical Activity, and Wellness; defines the commission's membership and duties, including responsibility for promoting and sponsoring the Bluegrass State Games; confirms Executive Order 97-932, which established the commission.

HB 377

AN ACT relating to funding of public libraries in Kentucky.

Amends KRS 171.201 to increase the per capita funding amounts for public libraries from \$0.53 per capita to \$0.73 per capita by fiscal year 1998-99; adds to the list of uses of per capita funds the purchase, upgrading, and maintenance of technology necessary to enable public access to electronic information; deletes the requirement that for counties that do not have a public library or a recognized library organization, the per capita distribution be made to the fiscal court for distribution to public education entities; makes conforming amendment.

HB 380

AN ACT relating to health insurance.

Creates a new section of Subtitle 17A of KRS Chapter 304 to require health benefit plans to cover diabetes; requires diabetes outpatient self-management training and education to be provided by a certified, registered, or licensed health care professional with expertise in diabetes; requires the benefits for diabetes to be subject to the same deductibles and coinsurance that apply to other benefits in the plan.

HB 382

AN ACT relating to economic development.

Amends KRS 103.286 to change the formula for allocating Kentucky's state ceiling on the issuance of private activity bonds; during the first half of the annual bond-issuance term, reserves 60% of the private activity cap for state bond-issuance authorities, rather than reserve 60% of the cap, during the first 25% of the term, for local bond-issuance authorities, during the second half of the annual bond-issuance term; allocates the remaining cap from a single pool in accordance with Finance and Administrative Cabinet regulations, rather than on a first-come, first-serve basis; amends KRS 42.4588 by creating job development incentive grants to be used by counties to encourage job development for industrial development projects that locate in a county and creates a minimum of 25 new full-time jobs held by Kentucky residents; requires a minimum wage of 130% of the federal minimum wage; limits each job development incentive grant to \$5,000 for each job created; requires the industrial firm to pay an average wage of 150% of the federal minimum wage and invest a minimum of \$10,000 per new job created; EMERGENCY.

HB 383

AN ACT relating to the Auditor of Public Accounts.

Requires at least 90% of the employees of the Office of the Auditor of Public Accounts who are engaged in financial auditing or financial investigations, rather than 90% of the professional staff, to be certified public accountants or have a minimum number of hours of accounting education; directs the Auditor to examine the performance, as well as the management, conduct, and condition, of various entities, including state agencies; confirms Executive Order APA 97-01 which reorganized the Office of the Auditor of Public Accounts.

HB 387

AN ACT relating to tax administration.

Amends KRS 131.020 to provide that the Revenue Cabinet can only make tax information available as prescribed in the bill; amends KRS 131.081 to provide that tax returns, reports, or the affairs of a person's business shall not be given to the Finance and Administration Cabinet's Office of Financial Management and Economic Analysis; amends KRS 131.190 to provide that employees in the Finance and Administration Cabinet's Office of Financial Management and Economic Analysis shall not be privy to tax information; provides that the secretary may provide an owner of unmined minerals or the surface estate with factual information provided by third parties if the information was relied upon in determining the taxpayer's assessment; provides that the cabinet may not provide gasoline gallonage statistics reported by licensees, but only gasoline dealers as a group.

HB 390

AN act relating to insurance.

Amends KRS 304.9-140 to remove the bar from nonresident agents to sell insurance in this state; amends KRS 304.9-120 to conform; repeals KRS 304.3-250 and 304.3-260.

HB 391

AN ACT relating to architectural and engineering services and declaring an emergency.

Creates new sections of KRS Chapter 45A to permit the Finance and Administration Cabinet and the Transportation Cabinet to enter into price contracts for architectural, engineering, and engineering-related services; requires anyone performing "engineering related services" to comply with any applicable licensing requirements; requires price contracts for engineering, engineering-related, and architectural services to be reviewed by the Personal Service Contract Review Subcommittee; utilizes statutory selection committees for recommending firms to be awarded price contracts; permits the Transportation Cabinet to designate certain construction projects for which firms to provide architectural, engineering, or engineering-related services may be selected from a pool; requires Transportation Cabinet to promulgate administrative regulations governing pools; allows a firm removed from a pool to reapply to be qualified after one year of disqualification; exempts price contracts and contracts awarded using selection from a pool from KRS 45A.800 to 45A.835, relating to selection of architectural, engineering, and engineering-related services through selection committees; amends various sections of KRS 45A.800 to 45A.835 to add non-voting technical advisers who are Department for Facilities Management employees to architectural, engineering, and engineering-related services selection committees; eliminates requirement for assigning Finance and Administration Cabinet engineers to architectural services selection committees, and cabinet architects to engineering services selection committees; eliminates two-term limit on state employees serving in selection committee pools; makes Auditor's staff's participation on selection committees discretionary with the Auditor; requires Finance and Administration and Transportation Cabinets to submit statement of compliance with selection process to the Auditor upon completion of selection; requires complete record of selection process to be subject to audit by the Auditor; increases from \$100 to \$200 the per diem pay of selection committee members who are not state agency or university employees; EMERGENCY.

HB 392

AN ACT relating to the selection of underwriters and bond counsel firms.

Amends KRS 45A.847 to provide that people on the underwriters and bond counsel selection committee in the OFMEA office are appointed; amends KRS 45A.850 to include the State Property and Buildings Commission in the list of agencies for which the selection committee chooses underwriters and bond counsel firms; provides that more than one underwriter and bond counsel firms may be chosen for each agency; amends KRS 45A.853 to provide that a firm's prequalification shall remain in effect for 24 months instead of 12; specifies what the selection committee is to do at its second meeting; amends KRS 45A.857 to provide that a minimum of two firms are to be selected; provides that if the executive director does not agree with the selection recommended by the selection committee, that the name of the second-ranked firm shall be submitted to the executive director; provides that the

executive director shall submit the name of the first-ranked firm or the second-ranked firm if the executive director did not agree with the first selection made by the selection committee to the secretary of the Finance and Administration Cabinet; amends KRS 45A.860 to conform.

HB 393

AN ACT relating to aviation.

Creates sections of KRS Chapter 36 relating to the Division of Air Transport in the Department of Military Affairs to prescribe the functions of the division, including management of the capital city airport and the maintenance, scheduling, and control of state aircraft; provides for the hiring of a director of the Division of Air Transport who is to also be responsible for the management of the capital city airport; defines "state aircraft", which excludes state police aircraft; prescribes rules for who is entitled to use state aircraft and under what conditions; provides for the collection of fees; prescribes rules for the requests for use of state aircraft and the maintenance of records and passenger manifests.

HB 394

AN ACT relating to revenue and taxation.

Amends KRS 134.810 to provide that motor vehicles with a salvage title held by an insurance company on January 1 shall not be taxed as motor vehicles but shall be subject to ad valorem tax as goods held for sale in the regular course of business; amends KRS 132.200 to exempt motor vehicles with a salvage title held by an insurance company from local property tax; provides that the amendments contained in this act shall apply for taxable years beginning after December 31, 1998.

HB 396

AN ACT relating to the evaluation of Certified Employees.

Amends KRS 156.101 to permit a local school district to request a waiver from the Kentucky Board of Education from its administrative regulations to implement an alternative certified evaluation plan for employees that provides a three phase plan including evaluation for professional growth, transition, and evaluation for deficiency; provides that the right of appeal applies only to the summative evaluation by an employee in Phase Three.

HB 397

AN ACT relating to tourism development and declaring an emergency.

Amends KRS 154.29 to include definitions of "crafts and products center" and "entertainment destination center"; amends definition of "eligible company" to allow the direct or indirect operation through lessees; amends definition of "inducements" to change sales tax credit to sales tax refund; amends definition of "tourism attraction" to allow lodging facilities on property owned or leased by the Commonwealth or the federal government; amends KRS 154.29-030 to require an entertainment destination center to dedicate its sales tax refund to a public infrastructure project approved by the secretary of the Tourism Cabinet; amends KRS 154.29-040 to require at least one public hearing concerning the designation of an eligible company as a preliminarily approved company; amends KRS 154.29-050 to require semiannual reports from an approved company concerning compliance with the provisions of this section; amends KRS 131.183 to specify that interest on any sales tax refund shall not be

paid to an approved company; amends various sections to change "sales tax credit" to "sales tax refund"; EMERGENCY.

HB 399

AN ACT relating to electric cooperatives.

Amends KRS 279.270 to subject voting procedures to the provisions of KRS 279.070 when members are voting on an agreement to consolidate two or more electric cooperatives; allows for a majority of those members voting at each corporation to determine the outcome of the agreement; deletes the requirement for cooperative to be within a continuous territory.

HB 401

AN ACT relating to insurance.

Amends KRS 304.2-400 to delete provision directing funds in the Department of Insurance regulatory trust fund in excess of two million dollars lapse to the general fund; amends KRS 304.2-410 and 304.2-440 to conform; amends KRS 304.9-440 to allow the commissioner to revoke or suspend an agent's license for conviction of a crime involving dishonesty, breach of trust, or moral turpitude and for surrendering any other license under threat of disciplinary action; creates a new section of Subtitle 9 of KRS Chapter 304 to require a person to notify the commissioner if his license to conduct securities, real estate, auctioneer, investment, financial, or financial planning business is surrendered or terminated under threat of disciplinary action, refused, suspended, revoked, or renewal of continuance denied; amends KRS 304.47-010 to create the Division of Insurance Fraud Investigation and to include reinsurer in the definition of "insurer"; defines "criminal syndicate"; amends KRS 304.47-020 to establish that a person commits a "fraudulent insurance act" if a person knowingly and with intent to defraud causes any written or oral statements in support of certain specific insurance related activities; establishes that a person commits a "fraudulent insurance act" if a person knowingly and with intent to defraud engages in solicitation on behalf of an insolvent insurer remove, or conceal an insurer's records, assists, abets, or conspires with another to commit fraud; establishes that any person with the purpose to establish or maintain a criminal syndicate or to facilitate any of its activities is guilty of engaging in organized crime, a Class B felony punishable by 10 to 20 years in prison, a fine per occurrence or both and a license may be suspended if the licensee has been convicted of a misdemeanor for which restitution is ordered in excess of \$300, or a felony involving certain crimes; amends KRS 304.47-040, 304.47-050, and 304.47-060 to conform

HB 402

AN ACT relating to insurance.

Amends KRS 304.20-040 to prohibit cancellation or refusal to renew auto insurance coverage solely because of the credit history of insured, the insured's prior nonstandard coverage, or because the insured has sustained one or more claims or occurrences due to natural causes; amends KRS 304.20-340 to prohibit declination or termination of insurance coverage solely because of the credit history of insured, the insured's prior nonstandard coverage, or because the insured has sustained one or more unpreventable loss claims or occurrences; creates a new section of Subtitle 20 of KRS Chapter 304 to prohibit an insurer from refusing to issue automobile or property and casualty insurance to an applicant solely because of the applicant's credit history, or lack of credit history.

HB 405

AN ACT relating to the emergency management assistance compact.

Creates a new section of KRS Chapter 39 to adopt the Emergency Management Assistance Compact to provide for state-to-state and federal-to-state assistance in the event of disasters and emergencies; amends KRS 39.460 relating to duties of Governor in activating compact to conform; repeals KRS 39.450 relating to the present interstate compact on disaster assistance.

HB 406

AN ACT relating to medical assistance.

Creates new sections of KRS Chapter 205 to provide for the continuation of benefits up to ninety (90) days from the date a notice of hearing has been received, for all Medicaid beneficiaries residing in a nursing facility or those eligible for Medicaid covered services if they have received an adverse determination concerning their level of care; adds requirement for a notification process which requires the peer review organization to notify the resident, nursing facility, commissioner of Medicaid Services and the resident's responsible party and attending physician by registered return receipt mail of a change in the level of care; requires a ten (10) day time frame for the notified individual to respond in writing and to appeal a change in the level of care; allows the attending physician to file an appeal on behalf of the Medicaid beneficiary if the registered return receipt mail is undeliverable to the resident's responsible party; requires that as long as the Medicaid beneficiary is engaged in any appeals process, all benefits will continue until such time as an appropriate residential setting is secured or until a final determination is made by a hearing officer; makes a technical correction by deleting a subsection where the context is repeated elsewhere in the Act; requires that an independent physician review be conducted along with input from the resident's or patient's attending physician prior to a final determination being made on appropriate level of care; sets forth consistent time frames for appeals processes up to and including the final decision of a hearing officer or officer of the court.

HB 407

AN ACT relating to ownership and conveyance of property.

Amends KRS 381.135 to define "ownership interest in a closely held farm corporation or partnership" and "farm"; permits a person owning 20% or more of a closely held farm corporation or partnership to cause the division of the property.

HB 409

AN ACT relating to escheats.

Amends KRS 393.010 to exempt all property held by non profit, Internal Revenue Code Section 501(c)(3), tax exempt hospitals from the escheat provisions of KRS Chapter 393.

HB 410

AN ACT relating to warranties for new assistive devices.

Creates a new section of KRS Chapter 151B to require a manufacturer of an assistive device to expressly warrant the device against any condition, defect, or malfunction which

substantially impairs the use, value, or safety of the device for a period of one year; establishes a list of types of devices to be covered by a warranty; requires the manufacturer to provide for refunds, repair, return, and replacement of devices; requires an assistive device dealer to comply with all terms and conditions of the express warranty within thirty (30) days of a request for action by the assistive device lessor; requires that full disclosure of returns or repairs on an assistive device be provided before sale or lease to a consumer; provides legal remedy for consumers; requires that only the manufacturer's invoice price be refunded in refunds involving hearing aids.

HB 412

AN ACT relating to embalmers and funeral directors.

Amends KRS 316.010 to define when a funeral establishment is in use and to define courtesy cards; amends KRS 316.125 to allow a funeral director or an embalmer to be absent, under reasonable circumstances, when a funeral establishment is in use; allows the board to issue courtesy cards to licensed funeral directors and embalmers from other states.

HB 414

AN ACT relating to insurance.

Amends KRS 304.15-020 to define "viatical settlement broker", "viatical settlement contract", "viatical settlement provider" and "viator"; creates a new section of Subtitle 15 of KRS Chapter 304 to require that a license be obtained before a person may act as a viatical settlement provider; allows the commissioner to examine the business and affairs of any licensee or license applicant; requires a viatical settlement provider to disclose certain information to the viator before the viatical settlement contract is signed by all parties; requires that a viatical settlement provider entering into a viatical settlement contract with any person with a catastrophic or life threatening illness or condition first obtain certain information, all viatical settlement contracts to contain an unconditional refund provision with time limitations; amends to require the examination of the contract will take place with the company's approval process, and to require the application be filed on forms no later than November 1, 1998; amends to require the funds be available within two (2) business days of notification from the insurer; amends to change receipt from viator to receipt from the insurer of the effect of the transfer of ownership of the insurance policy, and to require the provider to pay the proceeds of the settlement to an account in a custodian bank within two (2) business days of receipt; amends the standards for evaluating payments under the contract to include type of illness, life expectancy, insurance company rating, amount of premium payment, policy type, market factors and other reasonable factors, and to eliminate the requirement of a bond; amends to require all licensed viatical settlement providers to have the viator's medical condition reviewed by a qualified third-party physician; gives authority to the commissioner to promulgate administrative regulations and to carry out specific duties; establishes that the activities regulated by this Act are the business of insurance and subject to Subtitle 12 of KRS Chapter 304.

HB 415

AN ACT relating to insurance.

Amends KRS 304.36-030 to expand the exclusions to the subtitle; amends KRS 304.040 to remove the word liberally from the construction directions; amends KRS 304.36-

050 to define additional terms; amends KRS 304.36-080 to change the obligation duty of the association from the determination of insolvency to the order of liquidation, to set forth that the satisfaction of the obligation will be met by paying certain specified amounts, to set forth that the association will not be obligated to pay a claimant an amount in excess of the obligation of the insolvent insurer, to set forth certain conditions for covered claims to be paid; amends KRS 304.36-090 to allow the plan of operation to establish certain procedures regarding claims; amends KRS 304.36-110 to allow the association a cause of action against the insured of the insolvent insurer for sums in certain specific situation; amends KRS 304.36-120 to provide that any person having a claim against an insurer other than the policy of an insolvent insurer must first exhaust his right under provisions in certain policies; authorize the Kentucky Insurance Guaranty Association to assess members up to 2 percent of premiums written; creates a new section of Subtitle 36 of KRS 304 to establish that all proceedings in which the insolvent insurer is a party or is obligated to defend a party in court is subject to waiver, stay and additional time in certain cases.

HB 417

AN ACT relating to Kentucky Board of Education administrative regulations.

Amends KRS 156.160 to change language that refers to items not subject to administrative regulations waiver.

HB 418

AN ACT relating to school employees.

Amends KRS 160.380 to permit a classified employee of the district who is a relative of the superintendent or who marries a relative of the superintendent to continue employment if the individual was employed for at least thirty-six (36) months prior to the superintendent assuming office.

HB 419

AN ACT relating to revenue and taxation and declaring an emergency.

Amends KRS 136.500 to change the Internal Revenue Code and National Bank Act reference date from December 31, 1995, to December 31, 1997; adds definition for Kentucky obligations; amends KRS 136.515 to provide that savings and loan associations that combine with a bank are allowed a credit on their bank franchise tax return for tax paid as a savings and loan association during the year of combination; amends KRS 141.010 to exclude the distributive share of a shareholder's income from a S corporation subject to the bank franchise tax or the capital stock tax; provides that distributive shares of a shareholder's net income from an S corporation related to a qualified subchapter S subsidiary are to be excluded from adjusted gross income; provides that the amendment contained in Section 3 of the Act applies for taxable years beginning after December 31, 1996, and the amendments contained in Sections 1 and 2 of the Act apply for taxable years beginning after December 31, 1997; EMERGENCY.

HB 422

AN ACT relating to retirement.

Amends KRS 61.552 to allow any employee participating in a retirement system administered by the Kentucky Retirement Systems who has twenty years of service to

purchase up to a total of five years of otherwise nonqualified service by paying to the System the full actuarial cost.

HB 423

AN ACT relating to disaster and emergency response activity.

Amends KRS 39.433 and creates a new section of KRS Chapter 39A to exclude volunteers registered with the Division of Disaster and Emergency Services from liability for acts performed during emergency response activity except in cases of willful misconduct, gross negligence, or bad faith; extends to registered volunteers the same responsibilities and immunities of state employees, including defense by the Attorney General where applicable.

HB 426

AN ACT relating to vehicles.

Amends KRS 189.010 to include people in wheelchairs in the definition of pedestrian.

HB 427

AN ACT relating to financial administration.

Amends KRS 41.010 to define terms; amends KRS 41.070 to remove references to paper transactions; amends KRS 41.100 to remove references to paper transactions; amends KRS 41.120 to allow electronic authorization; amends KRS 41.130 and 41.140 to delete some requirements for warrants; amends KRS 41.160 to reference imprest cash provisions; amends KRS 41.165 and 41.167 to allow application for direct deposit to be made to the Finance and Administration Cabinet; amends KRS 41.170 to recognize the integrated system of accounts; amends KRS 41.260 and KRS 41.310 to remove references requiring paper transactions; amends KRS 41.350 to designate how long printed warrants must be retained; amends KRS 41.370 to remove references requiring paper transactions; creates a new section of KRS Chapter 45 to define "warrant"; amends KRS 45.305 to delete requirement for two separate accounting systems; amends KRS 45.310 to delete references that may require paper transactions; amends KRS 45.454 to conform; amends KRS 45A.655 to allow the imprest cash system to operate within the unified and integrated system of accounts; repeals KRS 41.270.

HB 429

AN ACT relating to insurance.

Amends KRS 287.030 to provide that Kentucky-chartered banks or their subsidiaries are specifically authorized to engage in the sale of non-credit-related insurance; deletes provision that prohibits a person who owns or acquires more than one-half of the capital stock of a bank from acting as an insurance agent or broker; creates a new section of Subtitle 9 of KRS Chapter 304, the insurance code, to establish requirements to be met by financial institutions authorized to engage in insurance agency activities; amends to allow banks to sell non-credit related insurance; prohibits an officer or employee of a financial institution from delaying or impeding completion of a loan transaction for the purpose of influencing a consumer's selection or purchase of any insurance; allows an employee of a general agency to receive compensation for referral of a consumer to a licensed person; establishes standards for compensating an employee of a financial institution for referral of a consumer to a licensed person.

HB 430

AN ACT relating to reorganization.

Confirms Executive Order 96-838, which created the Office of Management and Administration within the Department of Military Affairs; creates and places the Bluegrass Station Division within the Office of Management and Administration; places three existing divisions in the Office of Management and Administration: the Division of Administrative Services, the Division of Facilities, and the Division of Air Transport; amends KRS 36.010 to conform; inserts non codified language to confirm the portion of the current organizational structure not contained in Executive Order 96-838.

HB 431

AN ACT relating to traffic regulations.

Amends KRS 189.270, relating to special permits to exceed weight and dimension limits on highways, to establish a statewide permit to transport nondivisible loads with a single trip permit for \$60 and an annual permit of \$250 for loads less than 14 feet in width and \$500 for loads exceeding 14 feet in width regardless of the type of equipment or vehicle being transported; provides that if a person is eligible for an overweight or overdimensional permit under other provisions of KRS Chapter 189, the person shall not be eligible to obtain a permit under this Act; allows annual overweight permits for loads up to 120,000 pounds if axle weights do not exceed reasonable weights; repeals KRS 189.273 and 189.274.

HB 432

AN ACT relating to powers of fiscal courts and declaring an emergency.

Amends KRS 67.083 to add the regulation of establishments or commercial enterprises offering adult entertainment and adult entertainment activities to the listed additional powers of fiscal courts; EMERGENCY.

HB 433

AN ACT relating to sales and use tax.

Amends KRS 139.480 to exempt water used in the production or raising of crops and livestock from the sales and use tax; amends KRS 139.470 to exempt gross receipts from the sale of water used in the raising of equine as a business from the sales and use tax.

HB 434

AN ACT relating to the provision of support services for low income parents in the process of achieving self-sufficiency.

Creates new sections of KRS Chapter 205 to direct the Cabinet for Human Resources to file an annual report with the LRC and the Interim Joint Committee on Health and Welfare documenting efforts to enable parents receiving public assistance to participate in activities to achieve self-sufficiency; directs the cabinet to honor parent requests to self-initiate and continue educational activities; directs the cabinet to inform parents receiving public assistance of the option to be engaged in educational and vocational training activities and receive support services; establishes conditions for discontinuing parent participation in educational activities and receiving support services including not making satisfactory progress, failing to attend or participate in required activities, refusing an offer of employment paying 200% of

the federal poverty threshold, becoming ineligible for public assistance for other reasons; requires the cabinet to convene and make available staff services for an advisory group to evaluate opportunities and strategies for participation by low income parents in educational activities; requires the cabinet to prepare a strategic plan for continuation of educational opportunities for low income parents and submit the plan to the LRC and the Interim Joint Committee on Health and Welfare no later than July 31, 1999.

HB 438

AN ACT relating to state personnel.

Amends KRS 18A.037 to delete the requirement that the commissioner of the Department of Personnel shall consult with the secretaries of the Labor Cabinet and the Finance and Administration Cabinet in developing the new system of classification and compensation; amends KRS 18A.110 to delete the provision which allows the secretary of the Finance and Administration Cabinet to review and approve all position establishments and abolishments and substitute the State Budget Director in lieu of the secretary of the Finance and Administration Cabinet as a consulting authority for the classification and compensation plan; amends KRS 18A.1131 and KRS 18A.1132 to delete the secretary of the Finance and Administration Cabinet as an approval authority for layoff plans; amends KRS 18A.155 to delete the provision which allows the secretary of the Finance and Administration Cabinet to review and approve all position establishments and abolishments and substitute the State Budget Director in lieu of the secretary of the Finance and Administration Cabinet as a consulting authority for the pay plan for all unclassified service employees; provides that months of service earned as a Kentucky Department of Education contract employee may be used as service credit for calculating years of service in public agency positions held subsequent to the contract employment; makes provisions retroactive to employees hired in a public agency position on or after January 1, 1997; amends KRS 18A.165 to delete the provision which allows the secretary of the Finance and Administration Cabinet to review and approve all position establishments and abolishments; amends KRS 12.060 to allow the statutory departments, with the approval of the commissioner of Personnel instead of the secretary of the Finance and Administration Cabinet, to establish subordinate positions and make needed appointments or to abolish unnecessary offices or positions.

HB 439

AN ACT relating to administrative authority.

Amends KRS 194.030 to give the Inspector General the power to issue subpoenas relevant to a review, audit, or investigation.

HB 440

AN ACT relating to reorganization.

Confirms Executive Order 97-1609 that creates the Consumer Protection and Education Division in the Department of Insurance.

HB 444

AN ACT relating to aviation.

Creates a new section of KRS Chapter 183 to establish the "Kentucky Aviation Economic Development Fund" for the development, rehabilitation, and maintenance of

publicly owned or operated aviation facilities and for other programs benefiting publicly owned or operated aviation facilities; provides that the transfer of sales and use tax revenues from aircraft fuel to the aviation trust fund will not occur until July 1, 2000; creates a new section of KRS Chapter 144 to provide a sales and use tax credit for certificated air carriers who pay more than \$1,000,000 in sales and use taxes on the purchase of aircraft fuel in a fiscal year; amends KRS 144.137 to conform; repeals KRS 144.120 effective July 1, 2000; provides that the act is effective for tax periods beginning on or after July 1, 2000.

HB 445

AN ACT relating to capital projects.

Amends KRS 45.750 to clarify (1) that equipment, facilities, and furnishings acquired during a major renovation are to be considered part of the authorized capital project and (2) that leases of equipment with no provision for eventual ownership are capital projects if the annual cost of the lease is \$100,000 or more; amends KRS 45.793 to require all uncompleted capital projects to be included in the quarterly capital construction status report rather than only those authorized in the last two regular sessions.

HB 446

AN ACT relating to local school districts.

Requires a local board of education to adopt a tentative budget by May 30 each year rather than May 15 and to submit a working budget to the Kentucky Board of Education by September 30 every year rather than September 15.

HB 447

AN ACT relating to the education of state agency children.

Amends KRS 158.135 to include children in therapeutic foster care as state agency children, to define therapeutic foster care, to require additional reimbursement to school districts whose expenditures exceed 20% of the total amount received from state and federal sources if possible, to serve a state agency child, and to provide that the General Assembly shall increase funding for education programs for state agency children by the same percentage that the base funding level in the SEEK program is increased if funding is available; amends KRS 605.110 to require that the biennial plan for providing educational services to state agency children include strategies to insure teacher preparation programs include content related to working with state agency children.

HB 448

AN ACT relating to assessment companies.

Creates a new section of KRS Chapter 299 to provide that any company licensed under this chapter which fails to conduct certain business activities for a period of one year shall be prohibited from further operation and to set forth that no new licenses for assessment companies will be issued; amends KRS 299.460 to allow the commissioner to take certain actions; creates a new section of KRS Chapter 299 to direct companies to provide certain information and to file it with the commissioner.

HB 449

AN ACT relating to children in placement.

Creates a new section of KRS Chapter 158 to establish a standard educational passport form so that educational information about state agency children can be transferred in a timely manner when a child changes schools; creates a new section of KRS Chapter 600 to define a child in need of extraordinary services and a child in need of protection of the court, and to require courts to designate the reason for a commitment; creates a new section of KRS Chapter 605 to require the transfer of relevant information among individuals and entities providing care for children in placement; amends KRS 605.110 to establish an educational passport; amends KRS 605.090 to require the provision of relevant information about a child placed with an individual or entity at the time of placement; amends KRS 620.145 to require a copy of the assessment be provided to a foster parent or other agency or entity providing care to a committed child; amends KRS 610.120 to allow the Department of Juvenile Justice to petition the court to terminate an order of commitment, and to establish a procedure for the termination of commitment when a child attains the age of 18; amends KRS 605.120 to encourage the establishment of a reimbursement system for foster parents that comes as close as possible to meeting the costs of raising a child, to require biennial review of rates paid to foster parents, and to encourage the development of foster care pilot projects; amends KRS 610.125 to require dispositional reviews every 12 months rather than the first in 18 months and subsequent reviews annually, and to require notice to the CASA volunteer and the attorneys for the child and parent; amends KRS 620.290 to require additional notice and reporting requirements for foster care review boards; amends KRS 620.320 to require the State Foster Care Review Board to publish an annual report with specific requirements.

HB 451

AN ACT relating to reorganization.

Designates the Council on Postsecondary Education as the state agency with the responsibility and authority to direct and annually report on equal opportunities in postsecondary education; requires the council to establish the Committee on Equal Opportunities in Postsecondary Education to advise the council on strategies for achieving the equal opportunity and institutional performance objectives contained in "The 1997-2002 Kentucky Plan for Equal Opportunities in Higher Education;" abolishes the Committee on Equal Opportunities; confirms Executive Order 97-102.

HB 452

AN ACT relating to occupations and professions.

Amends KRS 311.603 to remove the State Board of Medical Licensure's immunity when actual malice is shown or willful misconduct is involved.

HB 453

AN ACT relating to emergency management.

Creates new KRS Chapters as follows: KRS Chapter 39A relating to state emergency management programs; KRS Chapter 39B relating to local emergency management programs; KRS Chapter 39C relating to state aid to local emergency management programs; KRS Chapter 39D relating to continuity of government; KRS Chapter 39E relating to SARA Title III hazardous materials programs; and KRS Chapter 39F relating to local rescue squad

programs; repeals the existing KRS Chapter 39 relating to disaster and emergency services; amends other statutes to conform.

HB 454

AN ACT relating to liens.

Amends KRS 376.250 to require that a suit to enforce a lien against public funds shall be filed in the Circuit Court of the county where the work was performed; creates an exception for a public university, in which case a lien shall be enforced in the Circuit Court of the county in which is located the main campus of the public university; amends KRS 376.260 to require that a local government owner shall be given notice of a suit to enforce a lien against public funds but do not require the local government owner to respond to or participate in the suit; amends KRS 376.210 to conform.

HB 455

AN ACT relating to criminal justice matters.

Creates a new section of KRS Chapter 15A to permit the Department of Juvenile Justice or a local organization approved by the Department to form local juvenile delinquency prevention councils which would develop a local juvenile justice plan, be a forum for juvenile justice matters, apply for and receive juvenile justice grants, be trained by the department and be regulated by the department by administrative regulation; creates a new section of KRS Chapter 15A to require the Department of Juvenile Justice to develop and administer a statewide juvenile detention plan which consists of state owned or contracted preadjudication juvenile facilities and post adjudication facilities, maintain alternatives to detention and follow-up programs, charge counties for placing juveniles in state operated preadjudication facilities, requires that the department regulate juvenile detention facilities and their rate increases, prohibits state takeover of a county juvenile detention facility without consultation with the jailer; amends KRS 15.067 relating to education of juveniles in juvenile facilities to give facility access to all educational records of the child; amends KRS 610.265 relating to detaining children charged with crime to mandate that a child charged with a capital offense, Class A, or B felony be held in a secure juvenile detention facility of juvenile holding facility and that if any other child is to be detained in a state facility that a security assessment be done before the child is placed in a specific facility, the security assessment is to be done at the facility in which the child is initially detained; amends KRS 635.060 relating to dispositional alternatives to increase time for commitment to department from 7 to 35 days and allows sending a child to an approved detention program as well as to facilities; creates new sections of KRS Chapter 15A to integrate the Department of Juvenile Justice and the Cabinet for Human Resources into the statewide criminal records information system; creates a new section of KRS Chapter 17 to require a broad spectrum of agencies to share with each other all information which they possess on a juvenile and requires public and private elementary and secondary schools, vocational schools, business schools, and colleges and universities to share records with criminal justice agencies; amends KRS 7.111 relating to LRC power to secure information to include information from the Department of Juvenile Justice and the Cabinet for Human Resources; amends KRS 17.150, 17.151 and 17.521 relating to criminal justice records to include records of the Department of Juvenile Justice and the Cabinet for Human Resources; creates a new section of KRS Chapter 27A to provide the Department of Juvenile Justice access to juvenile court records; amends KRS 27A.300 relating to

Administrative Office of the Courts participation in criminal justice record keeping to include sharing records with Department of Juvenile Justice and Cabinet for Human Resources; amends KRS 164.283 relating to college academic records to require sharing such records with Department of Juvenile Justice; creates a new section of KRS Chapter 194 relating to Cabinet for Human Resources participation in criminal justice record system; amends KRS 196.093 relating to Department of Corrections records to include sharing with Department of Juvenile Justice and Cabinet for Human Resources; amends KRS 605.090 relating to commitments of juveniles to prohibit placing a juvenile committed under KRS 610.010(1)(b)(c) or (d) shall be placed in a Department of Juvenile Justice facility for public offenders unless the cabinet and the department agree and the court consents and that the placement does not exceed a group home level; amends KRS 610.110 relating to juvenile placement to provide that the Department of Juvenile Justice may upon request notify the law enforcement agency in the county, city or urban county where the child committed an offense or resided of the child's release from custody; amends KRS 610.320 relating to the operations of juvenile court to permit juvenile probation officers to divulge information to law enforcement and to the Department of Juvenile Justice and permits juvenile court records to be made available to prosecutors, law enforcement agencies, and the Department of Juvenile Justice; amends KRS 610.340 relating to juvenile court records to permit victims of juvenile offenses to obtain records to adjudications which occurred in cases prior to the effective date of this act and permit juvenile records made available to schools to be expanded to any school employee with whom the student may come in contact; amends KRS 197.045 relating to good time to provide that a sex offender may earn good time but that the good time is not awardable to the offender until following successful completion of the sex offender treatment program and that following successful completion of the sex offender treatment program a sex offender may continue to earn good time, provides that a sex offender who does not complete the sex offender treatment program for any reason shall serve his entire sentence without good time, parole, or other form of early release, provides that the changes do not apply to persons convicted before the effective date of the change or to mentally retarded sex offenders; creates a new section of KRS Chapter 532 to provide that a sex offender be sentenced to a period of conditional release after service of sentence or after parole for a period of 3 years, permits Department of Corrections to set conditions of discharge, provides for probation and parole supervision of such persons and provides for their reincarceration for the remaining period of conditional discharge for violation of conditions of discharge; amends KRS 15A.030 relating to the Justice Cabinet to replace the Crime Commission with the Criminal Justice Council; amends KRS 15A.040 to set forth the duties of the Criminal Justice Council, sets forth the membership of the council, and provides for meetings and committees of the council; creates a new section of KRS Chapter 17 establishing the Kentucky Unified Criminal Justice Information System and a uniform criminal justice information system committee of the criminal justice council to recommend standards policies and administrative regulations to the council, policies are to include sharing of data, information systems, and sharing of information, requires all criminal justice agencies to comply with the policies, provides that criminal justice agencies which do not cooperate may be denied state and federal funds; creates a new section of KRS Chapter 17 to require the State Police to design, implement and maintain an automated fingerprint identification system and requires placing system in every detention center; creates a new section of KRS Chapter 441 to require all persons arrested or detained in any adult or juvenile detention facility to be fingerprinted and the fingerprints to be

submitted to the State Police; amends KRS 610.300 relating to evidence in juvenile cases to specify that juvenile fingerprint cards not be surrendered to court at end of case, that fingerprint cards be subject to expungement pursuant to KRS 431.076, and that fingerprint cards be transferred to the State Police; amends KRS 431.520 relating to pretrial release to provide that where the releasee's record shows a history of alcohol or substance abuse that the releasee may be required to undergo periodic drug or alcohol testing, or both during the period of release prior to trial, requires the Administrative Office of the Courts to establish pilot projects for the program; amends KRS 431.525 relating to bail to require the Administrative Office of the Courts to establish pilot projects for drug and alcohol testing, specify that defendants pay the cost of testing, and provides for the disposition of the funds; creates a new section of KRS Chapter 30A to require the criminal justice council to design an automated warrant system compatible with federal systems; amends KRS 30A.180 relating to circuit clerk records to require that they maintain all records which a statute requires them to maintain; amends KRS 346.030 relating to the Crime Victim Compensation Board to add a person who is a crime victim or a victim advocate, requires each new board member to be trained in dynamics of various criminal situations; amends KRS 346.060 to extend from 1 year to 5 years the time for filing for crime victim compensation; amends KRS 346.130 relating to crime victim awards to remove the 6 month progress report requirement for mental health counseling and increase the funeral benefit from \$3,500 to \$5,000; creates a new section of KRS 421.500 to 421.575 to name that area of law the Kentucky Crime Victim Bill of Rights, specifies that it be used in all misdemeanor and felony cases, specifies that a victim cannot delay a trial or challenge a charging decision, and that prosecutors must make good faith efforts to keep victims informed; amends KRS 421.500 relating to crime victims to increase number of persons considered as victims, requires that victims be notified of protective services and requires victims be told how to register to be notified of release of persons from confinement, include persons released from involuntary confinement in a mental facility who were convicted of or charged with a violent offense and subsequently hospitalized, requires that victim be informed of conditions of defendant's release; amends KRS 421.510 to correct section number reference; amends KRS 346.185 to increase crime victim fee from \$10 to \$20; amends KRS 32A205 to add crime victim fee to court costs and increase the court costs in criminal case from \$55 to \$75; creates a new section of KRS Chapter 26A to require circuit clerk to send crime victim fee to state treasurer; creates a new section of KRS Chapter 532 to require a court to mandate restitution when there is a named victim of the crime, prohibit waiving restitution, makes restitution a portion of pretrial diversion, probation, shock probation, conditional discharge or other alternative sentence, and parole; creates a new section of KRS Chapter 532 to specify how a judge may order restitution paid; creates a new section of KRS Chapter 439 to require parole board to set restitution and for probation and parole to monitor its payment, not release defendant from parole until restitution has been paid, and specify that length of parole is until restitution is paid; amends KRS 533.020 relating to probation to specify that length of probation is until restitution is paid; amends KRS 533.030 relating to conditions of probation to delete references as to how restitution is to be paid, and to increase from 2% to 5% the restitution handling fee paid to the circuit clerk, specify that restitution fees can be used for additional circuit clerks or for salary improvements; creates a new section of KRS Chapter 15 to require the Attorney General to implement and operate a program for protection of crime victims and their families, provides money to state police or local agencies providing protection, limit protection to 6 months;

creates a new section of KRS chapter 532 to specify that a person who commits one of a list of offenses because of the defendant's race, color, religion, sexual orientation, or national origin is guilty of a hate crime and a judge so finding may deny probation, shock probation, or other form of early release and that the parole board, based on a judge's finding may deny parole; creates a new section of KRS Chapter 525 to create the crime of institutional vandalism; creates a new section of KRS Chapter 346 to specify that a person who has been the victim of a hate crime may receive crime victim compensation; creates a new section of KRS Chapter 434 to create the crime of filling an illegal lien, which is groundless, as a Class D felony 1st offense, Class C felony 2nd offense and Class B felony 3rd and subsequent offense; amends KRS 15.420 relating to definitions for police salary supplement to include state or public university police and sheriffs and deputy sheriffs; amends KRS 15.460 relating police salary supplement to increase supplement from \$2,500 to \$2,750 on effective date of act and to \$3,000 July 1, 1999, provides that a sheriff receiving the maximum salary under section 246 of the Kentucky Constitution not receive salary supplement and provides for accounting by sheriffs; amends KRS 70.030 to specify that a sheriff may apply for a salary supplement whether or not the office is under a deputy sheriff merit board; creates a new section of KRS Chapter 218A to specify definitions relating to methamphetamine; creates a new section of KRS Chapter 218A to create the crime of manufacturing methamphetamine; creates a new section of KRS Chapter 218A to create the crime of trafficking in methamphetamine; creates a new section of KRS Chapter 218A to specify that costs of methamphetamine and other drug clean up and environmental remediation be assessed against defendant; amends KRS 218A.010 relating to controlled substances definitions to conform to methamphetamine changes; amends KRS 218A.1412 relating to trafficking controlled substances in 1st degree to exempt methamphetamine; amends KRS 218A.1413 relating to trafficking in controlled substances in the 2nd degree to exempt methamphetamine; amends KRS 218A.1415 relating to possession of controlled substances in 1st degree to include methamphetamine; amends KRS 218A.1416 relating to possession of controlled substances in 2nd degree to exclude methamphetamine; amends KRS 218A.070 relating to schedule II controlled substances to delete methamphetamine; amends KRS 218A.180 relating to prescriptions for drugs to require a controlled substances prescription for methamphetamine; amends KRS 189.990, penalties for motor vehicle offenses to increase penalty for violating KRS 189.393 willfully eluding an officer to a Class B misdemeanor and to Class A misdemeanor if fleeing a felony if subsequently convicted thereof; amends KRS 532.060 relating to sentences of imprisonment to set a 50 year sentence on term of years for Class A felony and retains other options and provides for the additional 3 year sentence of conditional discharge for sex offenders; amends KRS 532.030 to provide life without parole or sentence of years between 20 to 50 as options in death penalty cases; amends KRS 532.025 relating to aggravating and mitigating circumstances in death penalty cases to add aggravating circumstance where victim had obtained an emergency protective order, domestic violence order, or similar order, and adds reference to life imprisonment without parole; amends KRS 533.010 relating to probation to specify that violent offenders are not eligible for probation, specify probation decision-making process in cases where grantable, specify various probation and alternative sentencing options, to specify half way houses, home incarceration, jail with or without community release and residential treatment programs as authorized alternatives to incarceration, specifies conditions of home incarceration, probation and participation in alternative programs, requires drug or alcohol testing if defendant's record indicates alcohol or drug abuse, provides that defendant

may be placed in a community corrections program, provides that a defendant may be monitored by a private agency if ordered by a court and be sentenced to pay that agency for monitoring; provides that jailer may deny work release to Class D felons who violates jail rules, provides for Department of Corrections to promulgate administrative regulations relating to work release; amends KRS 532.020 relating to offenses outside the penal code to equate a 20 to 50 year sentence with a Class A felony; amends KRS 532.050 relating to imposition of sentences to provide offenders with a copy of evaluations done for sentencing purposes, requires that the presentence investigation report contain counseling and treatment and other resources available to the court based upon defendant's needs or the lack of programs and resources to meet those needs; amends KRS 532.080 relating to persistent felony offenders to specify that a person may be granted probation if all offenses are nonviolent Class D felonies and to eliminate probation for violent felony offenders and limit parole for such offenders as provided in KRS 439.3401, provides that a violation of KRS 218A.500 relating to drug paraphernalia does not make one a persistent felony offender; amends KRS 439.3401 relating to violent felony offenders to specify that a person guilty of a capital offense, Class A or Class B felony involving serious physical injury to the victim makes one a violent offender, provides that the court in its judgment must identify if the victim received death or serious physical injury, adds reference to life without parole, requires violent offenders to serve 85% of sentence prior to being eligible for parole, specifies that violent offenders may have parole eligibility dates later than other offenders, specifies that a violent offender may earn educational good time credit but no others, specifies that no credit shall reduce the time of release below the 85% service of sentence, prohibits retroactive application of new provisions; amends KRS 439.3405 relating to medical paroles to add additional medical conditions and diseases making one eligible for parole; amends KRS 15.315 relating to the Kentucky Law Enforcement Council to correct the title directors of the Southern Police Institute; creates a new section of KRS Chapter 202A to require public notification of release of persons involuntarily hospitalized in mental proceedings when the person was charged with or had committed a violent crime; amends KRS 532.210 relating to home incarceration to allow nonviolent felons to apply for and receive home incarceration; creates a new section of KRS Chapter 506 to define criminal gang and to provide for an additional 1, 2, or 3 year sentence for named felonies committed by a gang member; creates a new section of KRS Chapter 506 to create the crime of criminal gang recruitment; creates a new section of KRS Chapter 506 to specify conditions which are not defenses to being charged with being a member of a criminal gang; amends KRS 653.020 relating to juveniles charged with offenses to expand reference from chapters 610 to 645 to 600 to 645 in reference to a child charged with felony offense; creates a new section of KRS Chapter 533 to require pretrial diversion program in each judicial circuit, requires cooperation between the Commonwealth's attorney and the court in the operation of the program, limits program to persons charged with Class D felonies who meet other requirements, prohibits use of program for violent offenders and for persons not eligible for probation, requires applicant to enter an Alford plea or guilty plea as condition of entry into program, requires Commonwealth's Attorney to make recommendation to judge on applications, requires court to assess diversion fee unless indigent, permits fee to be based on ability to pay; creates a new section of KRS Chapter 533 specifies what a court must consider in granting or denying application for pretrial diversion; creates a new section of KRS Chapter 533 to apply same terms and conditions to pretrial diversion as to probation; creates a new section of KRS Chapter 533 to specify what action may be taken by whom if

defendant does not comply with conditions of pretrial diversion, provides that the court may void the diversion agreement in case of violation; creates a new section of KRS Chapter 533 to specify what happens on successful completion of diversion and the listing of the charges ad dismissed-diverted, limits use of pretrial diversion in evidence in other court proceedings without the consent of the defendant; creates a new section of KRS Chapter 15 to require Supreme Court of Kentucky to determine forms and other matters relating to pretrial diversion by rule; creates a new section of KRS Chapter 533 to prescribe the pretrial diversion programs specified in statute as the sole program to be used in state, allows for completion of diversion by persons presently in other programs; amends KRS 197.500 relating to private prisons to include medium security institutions; creates a new section of KRS Chapter 197 to give private prison guard peace officer powers while guarding prisoners or helping authorities search for escaped prisoners; creates a new section of KRS Chapter 197 to specify that private prison contracts protect the state from sudden contract cancellations reducing number of available prison beds; amends KRS 197.170 relating to posting of notices in police stations when person is released from prison to require posting for not less than 7 days; creates a new section of KRS Chapter 445 to require citation or summons but prohibit arrest of persons charged with theft by deception unless a court orders otherwise or the person fails to appear in court on the charge where the amount in controversy is \$100 or less; amends KRS 15.310 relating to definitions for police training program to add additional definitions; creates a new section of KRS Chapter 15 to specify that state police, city, county and urban county government police, deputy sheriffs except those exempted, public university police, airport police, alcoholic beverage control field representatives and investigators, and Department of Insurance fraud investigators, be certified, specifies officers who may be certified, and specifies officers who shall not be certified; creates a new section of KRS Chapter 15 to specify physical and other requirements for certification; creates a new section of KRS Chapter 15 to require Law Enforcement Council to administer tests at cost for departments requesting same but permits departments to use their own tests complying with the act; creates a new section of KRS Chapter 15 to specify certification categories as precertification, certification, inactive, and revoked or denied, required Law Enforcement Council to periodically change the design of the certification card and issue new ones free of charge to all certified personnel; creates a new section of KRS Chapter 15 to specify procedure when officer changes jobs or temporarily leaves employment; creates a new section of KRS Chapter 15 to specify where appeals may be taken; creates a new section of KRS Chapter 15 to recover record keeping and reporting necessary when a certified officer is separated from employment; creates a new section of KRS Chapter 15 to specify what council does if it feels an agency's job task analysis is insufficient; creates a new section of KRS Chapter 15 to specify what action may be taken against an agency employing a police officer in violation of act; creates a new section of KRS Chapter 15 to specify the relationship of police certification statutes to other statutes relating to law enforcement; creates a new section of KRS Chapter 15 to specify effective dates and what portions of open records act relate to officer personal information in certification files; creates a new section of KRS Chapter 15 to provide that employers may utilize higher standards than those of the act; amends KRS 532.055 relating to jury verdicts to permit victim impact testimony during penalty phase of trial and to permit defendant to introduce evidence relating to request for leniency; amends KRS 439.315 relating to parole supervision fees to make the current lifetime supervision fee cap for an offense a yearly cap; amends KRS 337.010 relating to definitions for labor laws to include

private prison construction in the prevailing wage provision; amends KRS 532.110 to set a 70 year aggregate limit on terms of years sentences; creates a new section of KRS Chapter 533 to require Department of Corrections to pay for persons sentenced to jail as a condition of conditional discharge for a felony offense at same rate as Class D felon program inmates, requires person to pay for incarceration if conditional discharge with work release is granted and an offset be made by Department of Corrections to avoid double payment; amends KRS 640.010 relating to youthful offenders to correct section number references and to permit taking into account evidence of a child's participation in a gang at a preliminary hearing; amends KRS 15.330 relating to duties of the Law Enforcement Council to permit Kentucky Law Enforcement Council to certify peace officers; amends KRS 532.045 relating to sexual offenders to specify the additional 3 year conditional discharge period following sentence; creates a new section of KRS Chapter 439 to permit court to place inmates on prerelease probation at the recommendation of the Department of Corrections and to specify the terms and conditions of that probation and sanctions for violating probation; amends KRS 15.440 relating to requirements for participation in police salary supplement program to delete dollar amount for participation in police salary supplement program and replace it with federal minimum wage, grandfathers deputy sheriffs and public university police employed on the effective date of the act into the salary supplement program, adds public university police and deputy sheriffs elsewhere in statute where needed; amends KRS 438.250 relating to persons bitten or subjected to body fluids of a person in detention or under arrest to add testing for hepatitis A, B, and C and tuberculosis; creates a new section of KRS Chapter 508 to create the crime of disarming a police officer; creates a new section of KRS Chapter 16 to require state police to turn confiscated firearms over to Department of Finance for public auction to firearms dealers, provides funding to Dept. of Local Government to give grants for local law enforcement agencies to purchase body armor; amends KRS 16.210 relating to custody and disposition of property by state police to conform; amends KRS 237.090 relating to firearms and ammunition forfeited under chapter to require sale at auction or retention for official use; amends KRS 500.090 relating to forfeiture of property under penal code to require firearms to be sold to firearms dealers at public auction rather than destroyed, provides that funds generated be used to purchase body armor for officers; creates a new section of KRS Chapter 65 to require surplus local government firearms to be sold at public auction or traded to a dealer for new firearms or ammunition or transferred to another government agency or to a museum for display, requires proceeds to be used to purchase body armor, new firearms or ammunition, range facilities or a combination thereof; creates a new section of KRS Chapter 45a to apply the same standards to state agencies; amends KRS 95.435 relating to sale and disposition of property by cities of 2nd class and urban county governments, to conform; creates a new section of KRS Chapter 199 to require department of corrections facilities to have religious programs and inmate access to clergy; creates a new section of KRS Chapter 441 to require local jails to have religious program in the same manner as the state; creates a new section of KRS Chapter 441 to assure inmate access to religious materials in jail; creates a new section of KRS Chapter 197 to make public and private prison grievance reports public records on inmate permission and requires maintenance of grievances for specified periods of time; amends KRS 237.110 relating to concealed deadly weapon licenses to prohibit public employers from prohibiting employees from carrying concealed deadly weapons in public vehicles, permits the Department of Corrections to specify what weapons employees may carry while transporting prisoners; amends KRS 61.365 relating to federal officers with

Kentucky arrest authority to add special agents and law enforcement officers of the Office of the Inspector General of the U.S. Dept. of Agriculture; amends KRS 17.150 relating to sex offender registration to include youthful offenders, reduces time from release to registration from 14 to 10 days, requires courts to order sex offenders to register; includes persons convicted as sex offenders by federal courts or court martial, requires sex offenders who come to Kentucky for employment or education to register, reduces period of time to report residence change from 14 to 10 days; amends KRS 17.520 to create special registration categories and procedures for high and moderate risk sex offenders with high risk sex offenders having lifetime registration, if a sex offender is reincarcerated for another offense or for probation of parole violation registration requirements are tolled during the incarceration; creates a new section of KRS Chapter 17 to create definitions for sex offender, high risk sex offender, moderate risk sex offender, low risk sex offender, and other terms; creates a new section of KRS Chapter 17 to prohibit a person from conducting a sex offender risk assessment unless certified to do so; creates a new section of KRS Chapter 17 to establish the Sex Offender Risk Assessment Advisory Board, sets duties, and requires board to develop a risk assessment procedure; creates a new section of KRS Chapter 17 to specifies members of the Sex Offender Risk Assessment Advisory Board, permits reimbursement of members expenses, and assigns board to Department of Corrections for administrative purposes; creates a new section of KRS Chapter 17 to permit the board certify persons to do sex offender assessments; creates a new section of KRS Chapter 17 relating to hearings by the board; creates a new section of KRS Chapter 17 to specify quorum and voting by the board; creates a new section of KRS Chapter 17 to permit the board to promulgate administrative regulations; creates a new section of KRS Chapter 17 to specify use of titles and other matters by certified sex offender risk assessment personnel; creates a new section of KRS Chapter 17 to permit the board to stop unauthorized practice; creates a new section of KRS Chapter 17 to specify when and how a sex offender risk assessment shall be done; creates a new section of KRS Chapter 17 to specify what shall be done in relation to high risk sex offenders, moderate risk sex offenders, and low risk sex offenders; creates a new section of KRS Chapter 17 relating to release of information on sex offenders to providers of assessments; creates a new section of KRS Chapter 17 to protect confidentiality of information given during sex offender assessments; creates a new section of KRS Chapter 17 to specify how a high risk sex offender may be relieved of the duty of further registration after 10 years of registration; creates a new section of KRS Chapter 17 to penalize those who perform sex offender assessments without being certified; creates a new section of KRS Chapter 431 to create definitions of condemned person and insane; amends KRS 431.230 to provide that when a person who is to be executed is insane they be transferred to the Kentucky Psychiatric correctional center; creates a new section of KRS Chapter 431 to provide a court procedure for determining if a condemned prisoner is insane; amends KRS 24A.175 relating to district court costs in criminal cases to provide a \$20 increase payable to the crime victim fund; creates a new section of KRS Chapter 520 to create the crime of fleeing or evading police in the first degree; amends KRS 520.100 relating to resisting an order to stop a motor vehicle to rename the offense fleeing or evading police in the second degree; amends KRS 519.050 relating to impersonating a public servant to exclude impersonating a police officer; creates a new section of KRS Chapter 519 to create the crime of impersonating a police officer; creates a new section of KRS Chapter 431 to provide various statutory damages a sex offense victim may bring a civil action for; creates a new section of KRS Chapter 533 to permit community

based, faith based, charitable, church sponsored or nonprofit residential or non residential treatment programs to be used as alternatives to incarceration; amends KRS 439.355 relating to parole board testing procedures to permit use of a computer voice stress analysis; creates a new section of KRS Chapter 150 to prohibit hunting while manifestly under the influence of alcohol or any controlled substance; amends KRS 150.990 to provide a penalty for drunken hunting; amends KRS 520.010 relating to definitions for chapter on escape and related offenses to specify that any quantity of alcohol brought into a correctional facility is considered dangerous contraband; amends KRS 189A.010 relating to driving under the influence to provide that if the alcohol concentration is 0.18 or above for a first offense that the defendant be sentenced to 7 days in jail 5 of which may be probated and for a 3rd offense if the alcohol concentration is 0.18 or above the offense is a Class D felony; creates a new section of KRS Chapter 532 establishing criminal garnishment orders; creates a new section of KRS Chapter 532 to provide for liens and other matters relating to criminal garnishment orders; creates a new section of KRS Chapter 532 to provide for real estate liens against persons owing fines, restitution, court costs or reimbursements; creates a new section of KRS Chapter 532 relating to the duties of the criminal garnishee; creates a new section of KRS Chapter 532 to specify penalties for violation by criminal garnishee; creates a new section of KRS Chapter 532 to provide definitions; creates a new section of KRS Chapter 532 to permit a sentencing court to order a defendant in a nonstatus juvenile offense, moving traffic violation, misdemeanor or Class D felony to reimburse the state or county for the costs of his incarceration; creates a new section of KRS Chapter 532 to permit local governments to require prisoners to make copayments in advance for medical treatment; creates a new section of KRS Chapter 532 to permit the court to use reimbursement and restitution as sanctions; creates a new section of KRS Chapter 532 to permit courts to set dates for payment of reimbursement and restitution and to use contempt sanction if not paid; amends KRS 610.345 relating to notifying school of juvenile records to require notification as soon as a petition is filed together with notification of the disposition of the matter if weapons or controlled substances are involved, provides for notifying all school personnel with whom the student may come in contact; creates a new section of KRS Chapter 533 to deny probation, parole, etc., to a person who commits a listed offense while armed with a firearm and wearing body armor; amends KRS 530.064 relating to unlawful transaction with a minor in the first degree to include illegal controlled substances activity other than marijuana; amends KRS 532.065 relating to unlawful transaction with a minor in the second degree to conform; amends KRS 640.040 to add section number reference; amends KRS 64.092 relating to deputy sheriffs or other officers serving as bailiffs in court to require they be paid \$8 per hour; amends KRS 403.7527 relating to foreign protective orders to delete filing requirement; amends KRS 403.7529 to require rather than permit police to make arrests for violation of foreign protective orders; amends KRS 403.7529 relating to foreign protective orders to delete filing requirement; repeals KRS 610.115 relating to circumstances permitting court to order further detention of child in custody of Department of Juvenile Justice or cabinet; requires Criminal Justice Council to study creating Class E felony and report to LRC, requires the Criminal Justice Council to study civil commitment of sex offenders, provides that references to Cabinet for Human Resources be changed appropriately if other legislation passes; requires the Criminal Justice Council to study the matter of hate crime; provides that sections 24,25, 70, and 121 of act be cited as the Sarah Hansen Act, provides that the effective date of Sections 99 to 110 is December 1, 1998; provides that sections 138 to 155 apply only to

persons sentenced after the effective date of the act; provides that the effective date of sections 139,141,150,151,152,153,154, and 155 is January 15, 1999.

HB 457

AN ACT relating to health insurance.

Amends KRS 304.17A-150 to establish that it is an unfair trade practice if an insurer fails to compute an insured's coinsurance or cost sharing on the basis of the amount actually received by a health care provider from the insurer.

HB 459

AN ACT relating to alcoholic beverage wholesalers' licenses.

Repeals KRS 243.105, 243.106, and 243.107 relating to residency requirements for an alcoholic beverage wholesalers license.

HB 460

AN ACT relating to government contracts.

Amends various sections of KRS 45A to change the name of the Personal Service Contract Review Subcommittee to the Government Contract Review Committee; allows the committee to determine the term "Emergency Condition" as used in the definition of the term "Governmental Emergency"; defines the term "Memorandum of Agreement" to mean memorandum of agreement (MOA), memorandum of understanding, program administration contract, interlocal agreement to which the Commonwealth is a party, privatization contract, or similar device relating to services between a state agency and any other governmental body that involves an exchange of resources or responsibilities to carry out a governmental function, specifically include in the definition of MOA: (1) agreements by regional cooperative organizations formed by local boards of education or other public educational institutions for the purpose of providing professional educational services to the participating organizations, and (2) agreements with Kentucky Distinguished Educators pursuant to KRS 158.782; specify the exemptions to the term MOA to include:

- (1) Agreements with the Transportation Cabinet for road and road-related projects;
- (2) Agreements with the Auditor for auditing services;
- (3) Agreements between agencies as required by federal or state law;
- (4) Agreements between a state agency and a state university or college and agreements between universities or colleges and employers of students under the KHEAA work study program;
- (5) Agreements involving child support collections and enforcement;
- (6) Agreements with public utilities and transit authorities, and providers of direct Medicaid health care to individuals except HMO's or Medicaid managed health care program administrators;
- (7) Nonfinancial agreements;
- (8) Obligations or payment for reimbursement of the cost of corrective action made pursuant to the Petroleum Storage Tank Assurance Program;
- (9) The exchange of confidential personal information between agencies;
- (10) Agreements between state agencies and rural concentrated employment programs; and
- (11) Any other MOA that the committee deems inappropriate for consideration;

defines the term "Multicontract"; redefines the term "Personal Service Contract" (PSC) to require that the service provided involve some professional skill or judgment and specifically include price contracts for personal services in the definition; specifies the exemptions to the term PSC to include providers of direct Medicaid health care for individuals except for HMO's or Medicaid managed health care program administrators, deletes from the exemption agreements between state agencies and universities, area development districts, community action agencies, and mental health/retardation boards, and specifies the exemptions to the term PSC to include any other contract the committee deems inappropriate for consideration; makes technical changes; requires MOA's to be filed with the committee in the same manner as PSC's; specifies the information to be submitted on the Proof of Necessity form; requires the committee to maintain records or have readily accessible records on contracts and agreements; exempts from public inspection those records as required by the Open Records Act; specifies that payments are not authorized for contracts and agreements disapproved by the committee and requires authorization for payment notice on each MOA and PSC; clarifies the definition of governmental emergency; increases the aggregate amount over which the committee is obligated to review a PSC from \$1,000 to \$10,000; establishes the aggregate amount over which the committee is obligated to review a MOA and price contract at \$50,000; allows up to 30 days after the effective date to file a MOA, if under \$50,000 or a PSC, if under \$10,000 and exempts them from routine review, but requires filing for informational purposes only; specifies a quorum to be four members and the vote to be by majority; requires the committee to examine the amount of any PSC or MOA and the appropriateness of any exchange of resources or responsibilities; allows the secretary of the Finance and Administration Cabinet to cancel a PSC or MOA and pay for services rendered; requires the secretary of the Finance and Administration Cabinet to act upon disapproval or objection to a PSC or MOA within 10 days; deletes monthly reporting requirements by the committee to LRC; requires contracting bodies to make annual reports to the committee not later than December 1 of each year; allows the committee to establish certain policies and procedures without approval of LRC; allows electronic filing of PSC's and MOA's; deletes the requirement for filing certain transportation records with the subcommittee, but requires Transportation Cabinet maintenance of those records; makes technical changes.

HB 468

AN ACT relating to the transportation of persons.

Amends KRS 96A.010, regarding mass transit providers, to define the terms "human service transportation delivery" and "human service transportation delivery area"; amends KRS 96A.095, regarding mass transit services, to include human service transportation delivery as a service for which the Transportation Cabinet can receive funds, expand entities which can receive funds from the Transportation Cabinet, authorize the Transportation Cabinet to contract with transportation providers or brokers to provide human service transportation delivery, require human service transportation brokers to provide applications for enrollment as a subcontractor to all providers and entities who qualify, and authorize the Transportation Cabinet to promulgate regulations; amends KRS 96A.170 and 281.605 to make technical corrections; amends KRS 281.635, regarding city bus franchises, to exempt human service transportation delivery vehicles under contract with the Transportation Cabinet from city authority; amends KRS 281.6185, regarding disabled persons transportation certificates, to allow human service transportation providers to transport people who are not disabled in a disabled persons vehicle, change from July 1, 1996 to January 1, 1998 the date

by which persons engaged in the transportation of disabled persons under a valid cab certificate shall be issued a certificate as a disabled persons carrier, and allow an entity with a pending taxicab application filed prior to January 1, 1998 to amend the application to include approval to operate disabled person vehicles.

HB 469

AN ACT relating to teacher's salaries.

Requires local school districts to provide a cost of living adjustment for certified staff that equals the percent increase in the Consumer Price Index or the base funding level in the support education excellence in the Kentucky program (SEEK), whichever is less.

HB 470

AN ACT relating to government operations.

Amends KRS 41.010, 42.010, 43.010 and 48.010 and creates a new section of KRS Chapter 44 to define "writing" or "written"; creates a new section of KRS Chapter 55 to define "document", "warrant", and "writing" or "written"; amends KRS 45.149 to change the required time for response from 30 days to 15 days; amends KRS 42.242 to make technical changes and to allow electronic notifications; amends KRS 45A.030 and KRS 56.440 to define "document", "meeting", "video teleconference" and "writing" or "written"; amends KRS 45A.080 to allow internet posting, and to delete reference to contracts over \$25,000, and to allow electronic bid opening and posting of information; amends KRS 45A.115 to delete mailing requirement; amends KRS 45A.345 to define "document"; amends KRS 45A.385 to amend notice provisions and to provide for posting on the internet and to allow electronic bid opening and posting of information; amends KRS 45A.370 to require public notice rather than advertisement; amends KRS 45A.675 to require public notice rather than advertisement, and to provide that contract shall be awarded to the bidder who meets specifications and offers best value; amends KRS 45A.695 and 45A.705, to allow electronic transmittal of information; amends KRS 45A.740 to remove mailing requirements and to allow internet posting; amends KRS 45A.825, KRS 56.463, KRS 56.491, KRS 56.514, KRS 56.520, KRS 56.805, KRS 56.814 and 58.605 to require public notice rather than advertising and to allow electronic transfer of information; amends KRS 45A.830 to make technical corrections and to provide for the filing of information by the procuring agency with the Personal Service Contract Review Subcommittee upon request; amends KRS 56.803 and KRS 56.8169 to amend notice provisions and to allow electronic transfer of information and internet posting; amends KRS 278.380 to permit the Public Service Commission to deliver orders by means of electronic transmission subject to certain conditions.

HB 471

AN ACT relating to animal control and making an appropriation therefor.

Creates a new section of KRS 258.095 to 258.365 to create an Animal Control Advisory Board and gives duties and makeup of the board; creates a new section of KRS 258.095 to 258.365 to create an Animal Control and Care Fund in the State Treasury, describes how money shall be allocated from the fund, defines "animal control and care program", describes eligibility requirements to receive money from the fund, and requires Commissioner of Agriculture to promulgate administrative regulations relating to the fund; creates a new section of KRS 258.095 to 258.365 to create an Animal Shelter Trust Fund in

the State Treasury, describes how money in the fund shall be deposited and invested, and describes how money shall be allocated from the fund; includes noncodified language to describe initial term limits of Animal Control Advisory Board members; adds an appropriation of \$10 per year for the 1998-2000 biennium.

HB 475

AN ACT relating to insurance.

Amends KRS 304.9-260 and 304.9-270 to require the department to distribute a listing of licensees in effect during the previous calendar year, any licensee not expressly terminated to continue licenses in effect, to require payment of fees on or before March 31; amends KRS 304.9-280 to require if any agency appointment is not terminated, the insurer is subject to the fees.

HB 476

AN ACT relating to the Breast Cancer Advisory Committee.

Amends KRS 214.554, relating to the Breast Cancer Screening Program, to add a radiologist fellowship-trained in breast diagnostics to membership on the Breast Cancer Advisory Committee; requires the Department for Health Services Commissioner to report on the program no later than November 1 of each year instead of July 1 of each year.

HB 477

AN ACT relating to eligibility to be a candidate in a political primary election.

Amends KRS 118.125 to modify the filing form for candidates seeking a political party's nomination in a primary election to clarify language concerning the candidate's listing of his residence address and mailing address and to delete the part of the party loyalty oath regarding the candidate's intentions to vote for the party's nominees at the next election and his affiliation with and support for the party and its nominees at the last election.

HB 484

AN ACT relating to the primary program.

Creates a new chapter of KRS 158 to define the primary program; describes the critical attributes for the primary program; requires that each school council or school, when no council exists, determine the organization of its ungraded primary program including the extent to which multiage groups are necessary based on the critical attributes; requires each local school district to collect data by school on the number of primary students who take five years to complete the program and publish the data in the annual performance report; amends KRS 156.160 by deleting references to the ungraded primary program and makes technical changes; amends KRS 158.030 by deleting the definition of the primary program.

HB 486

AN ACT relating to the Commission on Military Affairs and declaring an emergency.

Amends KRS 154.12-203 to revise the membership of the Kentucky Commission on Military Affairs; permits the commission to allocate available grant money to further its statutory purposes; authorizes the commission to promulgate administrative regulations and adopt bylaws and operating policies; permits the commission to establish advisory committees or work groups of commission members and nonvoting citizens; EMERGENCY.

HB 488

AN ACT relating to forest fire prevention.

Amends sections of KRS Chapter 149 relating to forestry to clarify the circumstances for setting fire for debris removal, cooking, heating, or for light; clarifies the precautions to be taken in setting fires near timberland; changes the fire hazard season to February 15 through April 30 from March 1 through May 15 and the hours for setting fires during the hazard season to 6 p.m. through 6 a.m. from 4:30 p.m. through midnight; exempts from the restrictions on fires during the hazard season qualified employees of state agencies setting fires for specified purposes; allows the Division of Forestry to issue a warning without a penalty for suspected violations during the fire hazard season; amends KRS 149.180 to require that firefighting costs collected from the person responsible for a fire shall be paid to a county that has paid its annual assessment for the year the firefighting costs were incurred; allows the Division of Forestry to use for improving fire protection services any recovered costs not paid to a county; amends KRS 149.160 to allow the cabinet to employ firefighters in response to a forest fire danger and not just to respond to an actual fire.

HB 490

AN ACT relating to the transportation of incarcerated persons.

Amends KRS 605.080 relating to transportation of prisoners by the sheriff or others to include transportation of juveniles; requires the Department of Juvenile Justice to pay for transportation of juvenile to Juvenile Justice facility; amends KRS 70.130 relating to transportation of prisoners by sheriff to include juveniles; amends KRS 605.990 relating to penalties for violating chapter to conform.

HB 493

AN ACT relating to insurance.

Creates a new section of Subtitle 39 of KRS 304 to allow a reparation obligor to negotiate a reduction of charges from a provider of services to a secured person, and that the secured person may not be billed for the difference between the cost of the full service and the negotiated reduction; amends KRS 304.39-210 to establish that benefits are not overdue if an obligor has not made payment to a provider due to the request of a secured person directing the elements of loss; creates a new section of Subtitle 39 of KRS 304 to allow an insured to direct in writing the payment of benefits among the different elements of loss; repeals KRS 304.39-240.

HB 495

AN ACT relating to fiscal courts regulating traffic on county roads.

Amends KRS 189.230, relating to the reduction of loads and speed limits, to allow counties to authorize overweight and overdimensional vehicles on county roads under their jurisdiction as long as the vehicle does not exceed the state weight limits established in KRS 189.222; creates a new section of KRS Chapter 189, relating to traffic regulations, to define the term "materials"; establishes a procedure for county governments to issue overweight and overdimensional permits; requires persons wanting a permit to enter into an agreement with the fiscal court providing for an equitable apportionment of the incremental costs for damage done to a county road while operating under a permit; provides for a person's permit to be

immediately revoked if the person terminates the cooperative agreement with the fiscal court; amends KRS 189.221, relating to basic weight and dimension limits for highways, to conform; amends KRS 189.990, relating to penalties governing traffic regulations, to provide for a penalty for a person operating a motor vehicle in violation of a county permit for overweight or overdimensional vehicles.

HB 496

AN ACT relating to insurance.

Amends KRS 299.370 to allow the reserve fund to invest in the same securities as fire insurance companies; amends KRS 304.2-065 to change the insurer's financial ratios from outside of the acceptable range to outside of the usual range regarding hazardous condition indicators; amends KRS 304.2-205 to include health maintenance organizations; amends KRS 304.2-210 to allow the commissioner to accept the most recently completed examination; amends KRS 304.2-270 to expand the discretion of the commissioner to share certain information with another state agency or with an agency of another state; amends KRS 304.2-350 to set forth that certain persons under certain conditions will not be prosecuted criminally; amends KRS 304.3-150 to make technical changes; amends KRS 304.4-010 to change the cost of copies per page from fifty cents to thirty cents, and to require insurers who submit filings electronically to remit fees within fifteen days of submission; amends KRS 304.9-105 to set forth prerequisites for revocation, and to add term life and disability to list of exclusions; amends KRS 304.9-150 to require that an application for an agent or solicitor is to be made by an insurer, but that the application for a consultant is to be made by the applicant, and all applications are to be sworn and notarized; amends KRS 304.9-170 to clarify exemption from examination; amends KRS 304.9-220 to require that fees be paid with application; amends KRS 304.9-230 to clarify that a limited license includes insurance covering physical damage to a motor vehicle; amends KRS 304.9-270 to require that fees be paid with the application; amends KRS 304.13-320 to change rating organization to advisory organization; amends KRS 304.14-130 to add new grounds for form disapproval by the commissioner; amends KRS 304.16-200 to increase amount of life insurance from \$2000 to \$10,000; amends KRS 304.17.030 to include unmarried dependent children to age nineteen and unmarried children from nineteen to twenty-five who are in school and are dependent on the policyholder; amends KRS 304.17-060 to prohibit denial or reduction of a claim for loss or disability under certain conditions; amends KRS 304.17-130 to increase insurance provisions from \$1,000 to \$5,000; amends KRS 304.17-310 to include unmarried dependent children to age nineteen and unmarried children from nineteen to twenty-five who are in school and are dependent on the policyholder; amends KRS 304.18-127 to make technical changes; amends KRS 304.20-040 to change the confirmation of attendance from four to five days, and not less than forty-eight hours; amends KRS 304.24-040 to make technical changes; amends KRS 304.29-261 to make technical changes; amends KRS 304.30-040 to increase time from thirty days to sixty days; amends KRS 304.37-110 to make technical changes; amends KRS 304.38-090 to change the filing time with the commissioner and the Licensure Board to before March 1 of each year; amends KRS 304.43-030 to change the number of days from thirty to sixty regarding the time to run before a filed form or contract is deemed approved; amends KRS 304.44-010 to make technical changes; amends KRS 304.44-030 to change the total insured value reinsured by the administrator from fifty thousand dollars to one hundred thousand dollars; amends KRS 304.44-050, relating to reinsurance agreements, to change the dollar amount from fifty

thousand to one hundred thousand; amends KRS 56.080 to make technical change; creates a new section of Subtitle 14 of KRS Chapter 304 to require all policy forms filed with the department to be written in English; repeals KRS 304.3-245 and 304.39-350.

HB 498

AN ACT relating to forfeited mining reclamation bonds.

Amends KRS 350.139 to create a supplemental fund for the interest accrued from forfeited mining reclamation bonds; designates how supplemental funds shall be used for reclamation; amends KRS 350.131 to conform; amends KRS 350.990 to require 50% of funds collected from penalties to be placed in the bond pool fund and 50% to be placed in the supplemental fund when the bond pool fund is in excess of sixteen million dollars or a higher amount established by an actuarial study; designates that the bond pool fund maintain a balance of sixteen million dollars or a higher amount as may be established by an actuarial study.

HB 499

AN ACT relating to community college boards of directors.

Amends KRS 164.005 to require the Governor's Postsecondary Education Nominating Committee to submit 3 nominees to the Governor for consideration in the appointment of members to the board of directors of each community college under the Kentucky Community and Technical College System; amends KRS 164.005 to conform.

(VETOED by Governor)

HB 503

AN ACT relating to reorganization.

Amends KRS 131.020 to establish the Office of Financial and Administrative Services, the Department of Law, The Department of Property Valuation, the Department of Tax Administration, and the Department of Information Technology, and to abolish the Office of General Counsel, the Department of Property Taxation, the Department of Compliance and Taxpayer Assistance, and the Department of Administrative Services; amends KRS 12.020 to conform; provides that the General Assembly confirms Executive Order 97-715 to the extent not already confirmed.

HB 505

AN ACT relating to equine drug testing.

Amends KRS 230.378 to delete the provision that the deduction for equine drug research not apply to the commission or pari-mutual tax of a receiving track or telephone account wagering; amends KRS 230.265 to provide that the deduction for the equine drug research shall apply to all money wagered that is subject to the pari-mutual tax.

HB 510

AN ACT relating to dangerous wildlife.

Amends KRS 150.010 to change the definition of protected wildlife; prohibits wildlife potentially damaging to native ecosystems; creates a new section of Chapter 65 to enable county, city, urban county, or charter county governments to regulate or prohibit wildlife inherently dangerous to human health and safety; lists dangerous species of wildlife; removes

orangutans, chimpanzees, honey badgers, gibbons, macaques, and certain snakes from list of animals denied transportation permits; adds wolverines to the list.

HB 511

AN ACT relating to the board of directors for a community college.

Amends KRS 164.600 to prohibit any citizen member of the board of directors for a community college to be a relative of an employee of the community college, except allows a person who is on a board of directors at the effective date of this Act who has a relative employed at the community college to serve out the appointed term of office.

HB 514

AN ACT relating to consumer loan companies.

Amends KRS 288.430 to require the application for a consumer loan company to include the names and addresses the principal officers and directors; amends KRS 288.450 to delete the requirement that the commissioner must find that the applicant will promote the convenience and advantage of the community; amends KRS 288.440 to increase application fee; amends KRS 288.470 to allow consumer loan companies to operate in other businesses that engage in purchases of retail and installment sales contracts and motor club memberships; amends KRS 288.533 to permit consumer loan companies to charge a credit investigation fee of \$1 for every \$50 of the loan on the first \$2,000 of the loan; amends KRS 288.610 to require consumer loan companies to pay a fee to cover annual examinations; amends KRS 288.615 to make technical changes; amends KRS 288.620 to delete provision that prohibits a person from charging any interest, discount, or consideration greater than six percent per annum upon any loan in the amount of \$15,000; repeals KRS 288.510, financial condition of licensee, and KRS 288.515, advertising statement required where institution is not fully insured.

HB 515

AN ACT relating to the mortgage loan business.

Amends various statutes in KRS Chapter 294 pertaining to the mortgage loan company business to clarify the definition of mortgage loan company; exempts mortgage loan companies and brokers regulated by the Department of Housing and Urban Development; requires an application for a mortgage loan broker license to contain a financial statement of the applicant; requires a mortgage loan company to maintain a funding source of \$500,000; requires certain information to be filed with the commissioner if a licensee desires to establish a branch office; requires applicants for broker's license to complete an educational training course; requires a mortgage loan company or broker to notify the commissioner of an office or branch closing; increases the amount of surety bond filed by mortgage loan companies from \$25,000 to \$100,000 and for brokers from \$25,000 to \$50,000; requires transfer of voting stock of a mortgage loan broker to be approved by the commissioner; requires filing of a registration statement to establish or maintain a branch office; prohibits mortgage loan companies and brokers from using certain terms as part of its name; increases investigation and license fees; exempts independent contractors that solicit loans for only one mortgage loan company or broker; prohibits a prepayment penalty being assessed against a borrower after the fifth anniversary date of the mortgage; deletes requirement that the mortgage loan company provide applicant with a written explanation of all fees, expenses, and other costs;

deletes requirement that a mortgage loan company furnish a loan settlement statement to each borrower upon request; allows the commissioner to accept examinations of the Government National Mortgage Association and the Federal Home Loan Mortgage Corporation in whole or in part in lieu of an examination by the commissioner; makes it unlawful upon receipt of a customer's written request to delay beyond 2 business days the issuance of a written loan payoff amount or to delay beyond 10 business days the issuance of a payment history; permits the commissioner to impose fines of \$1,000 to \$5,000 against mortgage loan companies and brokers; creates a new section of KRS Chapter 294 to provide that examinations of mortgage loan companies and brokers are confidential; allows the department to exchange information with officials and examiners of other properly authorized state or federal regulatory authorities.

HB 516

AN ACT relating to banking.

Amends various statutes in KRS Chapter 287 pertaining to banking to include savings and loan association in the definition of national bank; changes the membership of the Financial Institutions Board; permits the commissioner to designate certain employees to sign documents under his instructions; requires any bank with branches to use the same name for all branches in Kentucky; deletes the requirement that each bank director own a minimum of capital stock; deletes requirement that minimum capital stock be based on population of city and requires capital stock in the amount of \$2,500,000; provides that not less than 50 percent of the minimum capital stock be designated as surplus; deletes provision that allows investment in real property when all or a portion of the improvements for use as its home office or for branch offices so long as the real estate is used for carrying on its legitimate business as permitted by the Constitution; deletes requirement that net profits be computed by deducting bad or suspended debts; authorizes the commissioner to call at any time, rather than at least twice a year, for publication of a financial statement; requires that the assessment schedule be set by regulation rather than the statute; the report required of banks to be made to the commissioner must specify any information the commissioner requires; deletes from definition of revolving credit plan purchases by check or other device; requires board of directors of any combined bank that operates as a branch of the surviving bank to meet quarterly rather than monthly; permits a Kentucky bank to acquire a branch in another state if that state permits the acquisition; permits banks to rely conclusively on the form and terms of account in transferring or releasing joint account funds subsequent to the date of death of one or more named joint account holders; establishes a 5 year statute of limitations for an action for an injury by a trustee to the rights of a beneficiary of a trust; provides that KRS Chapter 413 shall not apply to an express trust that is both continuing and subsisting; amends KRS 287.235 to establish that no gain or loss shall be recognized for Kentucky income tax purposes by a common trust fund under certain circumstances; amends KRS 41.220, 287.820, 287.990, and 413.130 to conform; repeals KRS 287.061 which pertains to publication of an application for approval of a bank or branch and repeals KRS 287.205 that provides when a national bank may act as fiduciary.

HB 517

AN ACT relating to electric cooperative utilities.

Creates a new section of KRS Chapter 278 to authorize electric cooperatives to decrease their rates, or to adjust their rates to pass through changes in their wholesale supplier's rates, without approval by the Public Service Commission so long as the changes are allocated between consumer classes in a way that does not change the prior rate design; exempts from the automatic adjustments contracts with other provisions concerning adjustments; directs the Public Service Commission to set filing and notice requirements by administrative regulation; amends KRS 278.010 to add definitions.

HB 518

AN ACT relating to children in placement.

Creates new sections of KRS Chapter 194 to establish a statewide strategic planning committee for children in placement; identifies membership of committee, and sets forth duties of the committee; creates new sections of KRS Chapter 199 to define terms, to establish a procedure designed to determine and expedite the placement of children who are in the custody of the department; to require the department to maintain an inventory of the number and types of placements available for children; provides that if the reorganization of the Cabinet for Human Resources is confirmed, that references to the Cabinet for Human Resources appearing in subsection (1)(b) of Section 1 shall be codified as the Cabinet for Families and Children.

HB 519

AN ACT relating to students.

Creates new sections of KRS Chapter 157 relating to programs for exceptional children to require individual education plans jointly decided by the parents and school personnel and requires monitoring of the plans under administrative regulations of the Kentucky Board of Education; creates a new section of KRS Chapter 157 to establish the Kentucky Special Education Mentor Program to be implemented by July 1, 1999 to select, train and assign highly skilled personnel certified in special education to local districts and schools that are not in compliance with state and federal laws and regulations; amends KRS 156.095 to require the Department of Education to provide a statewide professional development program during the 1998-1999 and 1999-2000 school years to address the characteristics and instructional needs of exceptional students and students at risk of school failure; amends KRS 157.200 to expand the definition of "developmentally delayed" students to serve students who are 3 through 8 years of age; amends KRS 157.224 to permit the Kentucky Board of Education to withhold funds from districts who are non compliant after intense assistance is provided by the Department of Education, a Kentucky Special Education Mentor, or other approved assistance for a period of 2 years; amends KRS 159.140 to require the Director of Pupil Personnel to interview students and their parents who quit school to determine the reasons, information shall be used for research and decision-making; requires the Office of Education Accountability to conduct a study of paper-work requirements associated with special education programs and report the recommendations to the Interim Committee on Education

HB 526

AN ACT relating to the relocation of cities in counties with cities of the first class.

Amends KRS 81.380 to allow cities in counties with cities of the first class to extend their boundaries to the proposed new city site to allow for extension of services and powers until 90% of the land of the old city site is acquired by a public project.

HB 527

AN ACT relating to the Kentucky Employers' Mutual Insurance Authority (KEMI).

Amends KRS 342.809 to increase annual salary for KEMI board members to \$8,500 on July 15, 1998, and to \$12,000 on July 15, 1999.

HB 528

AN ACT relating to public purchasing.

Amends KRS 45A.470 to expressly grant second preference in state or local governmental purchases of services and commodities after June 30, 2000 to Kentucky Industries for the Blind, Inc., or any other nonprofit corporation with which the Department for the Blind contracts to further the purposes of vocational education and rehabilitation.

HB 529

AN ACT relating to living wills.

Amends KRS 311.623 to permit a person to use a living will to give all or any part of his body upon death for any purpose specified in KRS 311.185; amends KRS 311.625 to amend the form for a living will to permit a person to give all or any part of his body upon death for any purpose specified in KRS 311.185.

HB 531

AN ACT relating to guide dogs.

Amends KRS 258.500 by adding a new subsection prohibiting persons, firms, corporations or agents thereof from willfully or maliciously interfering with a guide dog or guide dog user; exempts guide dogs from all state and local licensing fees; requires state and local licensing authorities to accept a photocopy of the training certificate; amends KRS 258.991 to add firms, corporations, or agents thereof; increases minimum fine from \$25.00 to \$250.00 and increases maximum fine from \$100 to \$1,000; amends KRS 258.135 to conform.

HB 532

AN ACT relating to teachers' retirement and declaring an emergency.

Amends KRS 161.655, relating to the Kentucky Teachers' Retirement System, to increase the death benefit payment from \$2,800 to \$3,000 for retired members; amends KRS 161.220 to define "final average salary" for members with 27 years of service and at least 55 years of age as the three-year final average salary, to exclude salary supplements of distinguished educators from the calculation of "annual compensation", and defines "fiscal year" as 261 days; permits current employees of the Workforce Development Cabinet to continue existing coverage with the Kentucky Teachers' Retirement System, including exemption from Social Security participation; provides that current faculty at the community colleges would continue to participate in retirement plans provided by the Kentucky Community and Technical College System, including membership in the Kentucky Teachers'

Retirement System, if offered; provides an additional 1.5% cost of living adjustment to retired members in each year of the next biennium; provides an appropriation schedule to cover the allowance for accumulated sick leave for 1998-99 and the next two years; amends KRS 161.310 to provide that employers who offer incentive retirement plans shall make full payment to the system except for districts having plans prior to December 31, 1997, and teachers who retire on or before July 1, 1998; amends KRS 161.340 to relieve the employees of the system from registering as lobbyists; amends KRS 161.420 to provide that the board of trustees may allocate up to a maximum of 1.65% of the 3.25% of the state appropriation to the medical insurance fund; limits the system's voluntary IRS 403(b) tax sheltered plan to retired members who are currently receiving lifetime annuity payments; amends KRS 161.500 to provide that service credit may not exceed the ratio between the school or fiscal year and the number of months or fraction of a month the member is employed during the year; amends KRS 161.545 to repeal the authority to purchase one-half time service if performed in the 2 years immediately preceding membership in the system; amends KRS 161.553 to include the 1998-2000 cost of living increases; amends KRS 161.597 to permit the collection of installment payments by electronic fund transfer as well as payroll deduction; amends KRS 161.605 to clarify the limit on retirees who teach in universities and to reduce the employer's contribution for part-time retirees; amends KRS 161.620 to simplify calculation of annuities, increases the minimum value of service from \$260 to \$300 effective July 1, 1998 and from \$300 to \$310 effective July 1, 1999, and provides a one-time increase to all persons retired at least one year equal to 1.5% of current annuity in 1998 and 1999; amends KRS 161.640 to require that all new retirees on or after July 1, 1998 receive their monthly annuity checks by electronic fund transfer; amends KRS 161.675 to require the board to provide health insurance to eligible retirees age 65 and above and provides that the board may provide health insurance for retirees under age 65; clarifies that retired teachers may participate in the same insurance plans offered to active and retired state employees; amends KRS 18A.225 and 161.550 to conform; provides that members of the Kentucky Teachers' Retirement System who have at least 20 years' service credit may purchase up to five years of previously unqualified service by paying 100% of the cost; EMERGENCY.

HB 536

AN ACT relating to professional development.

Amends KRS 156.095 to require that local professional development coordinators provide information and upon request by a school council or central office, or school employees provide technical assistance and coordination activities; requires that the Kentucky Department of Education provide or facilitate a statewide program of professional development; provides the kinds of activities and services be based on need rather than mandate specific areas; requires that the department to utilize its regional service centers and collaborate with postsecondary education institutions, education cooperatives and consortia, professional education groups, and other agencies to make professional development more accessible; requires that the Kentucky Department of Education assist districts and schools in the development of long-term school improvement plans that include professional development strategies to address curriculum content; requires that priority be given to improving teachers' content understanding and teaching methods during the four (4) days allotted in the calendar for professional development although one (1) day may be used for mandated training by the state or federal law but only required those affected to attend the

training; requires the department to contract with an outside agency to complete an analysis of the status of the statewide professional development program and report publicly the findings and actions taken; permits a local board to approve a school's flexible professional development plan that permits teachers or other certified personnel to participate in professional development activities outside the regular school calendar or the regular school day and accumulate the credit toward the requirement of 4 days of professional development; provides that credit may be accumulated in periods of time other than full day segments; repeals KRS 156.0951 relating to consortia; makes technical corrections to conform.

HB 537

AN ACT relating to court reporters.

Creates a new section of KRS Chapter 454 to establish the standards which govern the taking of depositions in Kentucky; declares void any deposition the taking of which does not comply with the standards; establishes a penalty of a Class B misdemeanor for a person who takes a deposition in violation of the standards.

HB 539

AN ACT relating to liability insurance for members of the Kentucky National Guard.

Creates a new section of KRS Chapter 38 to authorize the Adjutant General to purchase liability insurance for Kentucky National Guard members called to state active duty who are not otherwise covered by existing state government programs that provide medical coverage or protection.

HB 542

AN ACT relating to motor vehicles.

Amends KRS 367.841, regarding definitions for Kentucky's Lemon Law, to replace "conversion vans" with "vehicles substantially altered after their initial sale" in the list of vehicles excluded from the definition of a motor vehicle and to include "new conversion van manufacturers" in the definition of manufacturer.

HB 544

AN ACT relating to the judicial branch.

Creates a new section of KRS Chapter 23A to create family courts and increase the number of Circuit Courts and District Courts; creates a new section of KRS Chapter 23A to require that any Family Court established in Boone and Gallatin Counties shall consist of 1 Circuit Court Judge; creates a new section of KRS Chapter 23A to govern the conduct of Family Courts; amends KRS 23A.040 to remove the Eighth Judicial Circuit, Twenty-eighth Judicial Circuit, and Forty-eighth Judicial Circuit from the list of judicial circuits with 2 judges and 2 numbered divisions and add the Eleventh Judicial Circuit, Fourteenth Judicial Circuit, Forty-sixth Judicial Circuit, and Fifty-fourth Judicial Circuit; creates a new section of KRS Chapter 23A to permit the Eighth, Twenty-eighth, and Forty-eighth Judicial Circuits to have 3 Circuit Judges and 3 numbered divisions; creates a new section of KRS Chapter 24A to require any Family Court established in Floyd County to consist of 1 District Court Judge; amends KRS 24A.010 and 24A.120 to permit District Courts to exercise concurrent or exclusive jurisdiction over Family Courts; amends KRS 24A.050 to remove the Second and Thirty-fifth Judicial Districts from the list of judicial districts with 2 District Judges and 2

numbered divisions and add the Thirty-first Judicial District and Forty-third Judicial District; amends KRS 24A.060 to add the Second Judicial District and the Thirty-fifth Judicial District to the list of judicial districts with 3 District Judges and 3 numbered divisions; amends KRS 389A.010, 391.035, and 395.617 to conform; appropriates \$1,504,100.00 in fiscal year 1998-1999 and \$2,756,100.00 in fiscal year 1999-2000 to fund Family Courts; creates special effective dates.

HB 545

AN ACT relating to utilities.

Amends KRS 278.210 to allow a utility to set cost-effective meter testing frequencies, if it has demonstrated through sample testing that significant numbers of its meters do not overregister; requires that the application to the Public Service Commission document the established scientific, engineering, and economic methods that the utility will use to determine testing frequencies.

HB 547

AN ACT relating to property tax administration.

Amends KRS 132.820 to change the date for filing unmined mineral and energy resource property tax returns from April 15 to March 1; amends KRS 132.320 to provide that any local district which has omitted tangible property assessed and taxed as the result of compliance efforts by the cabinet must share in the costs; amends KRS 132.486, 132.820, 136.180, and 136.1877 to require the taxpayer to pay on the valuation which he or she claims as true value.

HB 548

AN ACT relating to joint sewer agencies.

Amends KRS 76.231 relating to joint sewer agencies to allow the legislative body of the city and the fiscal court of the county to prescribe a joint ordinance for the creation of a rate adjustment board comprised of the members of both legislative bodies sitting as a single body; specifies that the rate adjustment board is for purposes of establishing a schedule of rates, rentals, and charges to be collected.

HB 549

AN ACT relating to appointments to boards and commissions.

Changes the appointment schedule of the following boards, commissions, and councils from summer appointments to mid-winter appointments: the State Board for Adult and Technical Education, Kentucky Arts Council, Kentucky Oral History Commission, State Advisory Committee for Educational Improvement, Kentucky Spinal Cord and Head Injury Research Board, Kentucky Athletic Commission, Kentucky Board of Barbering, Kentucky Board of Hairdressers and Cosmetologists, State Board of Examiners and Registration of Landscape Architects, Kentucky Commission on Women, and the Kentucky Oil and Gas Conservation Commission.

HB 550

AN ACT relating to the issuance of alcoholic beverage licenses and declaring an emergency.

Amends KRS 243.030 and 243.040 to increase various alcoholic beverage license fees; maintains current cap for city and county license fees; permits Department of Alcoholic Beverage Control to promulgate administrative regulations establishing staggered collections; amends various sections of KRS Chapter 243 to conform; EMERGENCY.

HB 551

AN ACT authorizing the payment of certain claims against the state which have been duly audited and approved according to law, and have not been paid because of the lapsing or insufficiency of former appropriations against which claims were chargeable and declaring an emergency.

Appropriates funds for the payment of specific claims; EMERGENCY.

HB 552

AN ACT relating to liens.

Creates a new section of KRS Chapter 376 to define "customer" and "molder"; establishes a procedure for a molder to follow to have rights to a die, mold, form, or pattern transferred from the customer to the molder when the customer does not take possession of the die, mold, form, or pattern; permits the molder to destroy or sell the die, mold, form, or pattern.

HB 554

AN ACT relating to the awarding of public contracts.

Amends KRS 45A.485 to include work performed by subcontractors under state awarded contracts; amends KRS 45A.343 to include work performed by subcontractors under local public agency contract.

HB 559

AN ACT relating to district boundaries for justices of the peace.

Amends KRS 67.045 to require that the district boundaries for a justice of the peace, in counties with a fiscal court containing 3 commissioners and the county judge/executive, be coextensive with the districts of the county commissioners.

HB 560

AN ACT relating to telecommunications.

Creates a new section of KRS 65.750 to 65.760 to set definitions; restricts definition of dispersed private telephone system to a shared tenant system or private branch exchange used for the purpose of reselling telephone service to residential customers; exempts state agencies and dispersed private telephone systems providing service within hotels and motels from the definition of dispersed private telephone system; requires that owners of dispersed private telephone systems be able to operate effectively within an enhanced 911 system within three (3) years of the date enhanced 911 services were adopted or within three (3) years of the date of this Act; requires that service providers make verified automatic number identification and verified automatic location identification information available to public safety answering

points in areas where fully enhanced 911 has been implemented; requires the owner or operator of a dispersed private telephone system provide the service supplier with information on the number of incoming trunk connections to the E911 system and the station identification number, sublocation, and street address of each station that can originate calls and requires that any changes in the information be reported within 5 business days; requires PSAPs, service providers and their employees to maintain the confidentiality and privacy of all information in an automatic location identification database; establishes penalties for violations of this Act; amends KRS 65.760 to require private commercial telephone service or owners of a dispersed private system to collect and remit the subscriber charge for emergency 911 service to the local government on the same basis as the primary exchange carrier; requires that revenues be used solely to fund the 911 system, which may include personnel training and public information; creates a DPTS/9-1-1 Task Force to study whether owners or operators of a dispersed private telephone system should locate their extensions to operate effectively within an enhanced 9-1-1 emergency service.

HB 562

AN ACT relating to retirement.

Amends KRS 21.420 to permit members to select an optional survivor's benefit payment actuarially equivalent to the amount of the retirement allowance payable to the member and the member's spouse, rather than payable to the member only; amends KRS 21.425 to require payments, absent a qualified spouse, of survivors benefits to a child until the child reaches age 21, rather than age 18; amends KRS 21.427 and 6.577 to provide for the consolidation of credit in all state-administered retirement plans or systems in the respective retirement plans for calculating hospital and medical insurance premiums and pro-rate the cost among the state-administered retirement plans; amends KRS 6.525 to permit members who leave the plans, but later return to the plans, to retain the original date of entry into the plans for the purpose of setting the service credit rate; permits the purchase of national guard and reserve time on a basis of one month for every six months of service by paying 100% of the cost.

HB 564

AN ACT relating to real estate.

Creates a new section of KRS 324 imposing a sanction on a principal broker who fails to return a license to the commission on request; permits the commission to expand the courts where it may seek injunctive relief to include the Circuit Court where the commission is located; exempts a person from the new educational requirements and the continuing educational requirements if he or she has been continuously and actively licensed since June 19, 1976 and exempts a person from the continuing education requirements if the person was licensed prior to June 19, 1976 but has not maintained an active license since that date but is deemed by the commission to merit such an exemption; deletes requirement that license be issued each year and requires that it only be issued when changes are made; clarifies that nonresident licensee does not have to have an office in the state unless its contrary to the commission's reciprocity agreement with the state of original licensure; permits the commission to discipline a licensee who fails to report that he or she has been convicted of a felony to the commission; specifies that a principal broker is liable for his or her affiliated licensees' violations if he or she knows of the violation and doesn't prevent it; limits recovery

from the education, research, and recovery fund to no more than \$50,000 per licensee; grants commission subpoena power and additional authority to conduct investigations.

HB 565

AN ACT relating to alcoholic beverages.

Creates a new section of KRS Chapter 243 to permit the Board of Alcoholic Beverage Control to seek judicial enforcement of its orders if a licensee fails to comply; amends various sections of KRS Chapters 241, 243, and 244 to permit the destruction of evidence after all administrative and judicial proceedings are concluded; deletes requirement that the board approve local regulations and ordinances; extends the time for taking an appeal to the state board from 10 to 30 days; prohibits anyone convicted of a felony from obtaining a license within five years of the later of the person's conviction, parole, or termination of probation, and exempts person with existing license from the previous prohibition; increases the percentage of food sales a restaurant or private club must maintain to buy wine in containers smaller than 100 millimeters from 40% to 50%; standardizes public protest period from 17 days for malt beverages and 37 days for distilled spirits to 30 days for both; permits the state administrator to reject incomplete applications and requires the state administrator in rejecting applications to provide the applicant with a written list of deficiencies at the time the application is returned; standardizes the fine retailers may pay in lieu of suspension; permits the board to revoke a license if the licensee or a servant, agent, or employee has been convicted of a felony; establishes guidelines for disposing of inventory; requires that any licensee selling an interest in a license file a joint application with the prospective buyer; expands definition of cash sales to include electronic transfers if specified criteria are met; requires that a retail licensee know of a person's condition or status as a habitual drunkard or felon before liability is imposed on the retailer for selling that person alcohol; prohibits deliveries away from the premises; requires that 18-year-olds who stock malt beverages do so under supervision; prohibits licensee from hiring anyone convicted of a felony, rather than just alcohol-related felonies, within two years of conviction; permits Sunday distilled spirits and wine drink license to be issued with quota licenses; revises delivery and sales time for distilled spirit and wine sales in an urban-county government; requires licensees to have name and license number posted or painted on window; creates an extended supplemental license in cities of the first class or a county containing such a city; restricts sales in urban-county governments from midnight to 6 a.m. unless otherwise established by ordinance; repeals KRS 243.635.

HB 566

AN ACT relating to horse racing.

Amends KRS 230.380 to require that commission from wagers at simulcast facilities that is dedicated to breeders' award fund be redistributed as follows: 30% to host track, 46.5% to purses at the host track, 13.5 % to simulcast facility owners for expenses, 6% to the Kentucky Thoroughbred Owners and Breeders, with up to 3% to be used for capital improvements and promotion of off-track betting, and the remainder to be expended for marketing and promoting the Kentucky thoroughbred industry, and 4% to the Racing Commission to be used for purses at county fairs and for the standardbred sires stakes program; requires the KTOB to report annually to the commission; amends definition of "track" in KRS 230.210 to permit a race track to have a non contiguous facility within a 60-

mile radius; requires that written approval be obtained from the affected track or facility if the non contiguous property is within a 60-mile radius of another track with live racing and a 40-mile radius of a simulcast facility; amends KRS 230.210 to define "principal"; amends KRS 230.280 to require the Ky. Racing Commission to investigate the qualifications of applicants for a license to conduct horse racing; states the criteria on which the award of a license is to be based; amends KRS 230.300 to state specific information that must be submitted in the license application process; changes the period in which unclaimed tickets are presumed to be abandoned from two years from the time the ticket becomes payable to one year from that time; makes conforming amendments.

HB 568

AN ACT relating to property tax, and declaring an emergency.

Amends KRS 132.220 to allow taxing districts to recover revenue lost through the exoneration of uncollectable tax bills; amends KRS 133.220 to require all notices returned as undeliverable be submitted to the PVA, who is required to correct addresses if the information is available; amends KRS 134.020 to allow the sheriff to accept payment by any commercially acceptable means, including credit cards, and to increase the penalty from 2% to 5% for rate payments under a revised collection schedule, and to provide that if real property tax delinquencies exceed 15% that the sheriff must make additional reasonable collection efforts or the Revenue Cabinet may take over collections; amends KRS 134.310 to allow the cabinet, at the request of the fiscal court or any school district, to conduct the local settlement; and to allow the cabinet to issue bills for the subsequent year if the sheriff fails to remit amounts charged to him, to require the sheriff to settle with the Revenue Cabinet before settling with the fiscal court, and to allow the Revenue Cabinet to conduct a local settlement at the request of the local taxing district, and to provide appeals procedures and timelines for objecting to a settlement; amends KRS 134.325 to provide that delinquent tax bills shall be sold by April 30 rather than August 1 of each year, and to increase fines for sheriffs who do not make settlement information available; amends KRS 134.330 to change provisions relating to sheriff's bonds; amends KRS 134.360 to delete provisions relating to the sheriff's oath; amends KRS 134.380 to allow the secretary to act in behalf of the state or any and all taxing districts to institute or prosecute any collection action; amends KRS 134.420 to change the length of the lien from 5 years to 10 years; amends KRS 134.430 to allow the sheriff to receive offers for the purchase of tax claims for up to 15 business days following the date of initial advertisement, but no later than April 30, and to permit rather than require the sheriff to distraint property, and to increase the sheriff's compensation when property is distrained; amends KRS 134.440 to increase from \$1 to \$5 the fee the sheriff receives for advertising each tax claim; amends KRS 134.450 to provide that the finance cabinet shall purchase tax claims upon which the sheriff has received an offer of purchase change provisions relating to the sale of tax claims; amends KRS 134.470 to increase the statute of limitations from 5 to 10 years; amends KRS 134.480 to allow the clerk to accept payment by any commercially acceptable means, and to increase the fee that the clerk retains from 5% to 10%; amends KRS 134.490 to require private purchasers of tax claims to notify the property owner, and to delete provisions relating to the county attorney designating property subject to distraint; amends KRS 134.500 to change the date from which interest runs to the date the certificate of delinquency is issued, and to allow the cabinet to not contract with the county attorney for collection duties if the cabinet determines that the county attorney has previously failed to

perform collection duties in an acceptable manner, and to require the county attorney to mail a list of delinquent tax bills to the PVA, and to establish time periods within which a county attorney must collect a delinquent tax claim or institute legal action before the cabinet takes over collection duties, and to provide that the fees paid to county attorneys shall be added to the amount of tax claims and paid by the person paying the tax claim, and to provide that the cabinet may make information available to the county attorney; amends KRS 134.800 to allow the clerk to accept payment by any commercially acceptable means, including credit cards; amends KRS 134.990 to conform; amends KRS 45.500 to allow the state investment commission to purchase state and local delinquent property tax claims; repeals KRS 134.382; provides that the amendments contained in Section 5, subsection (4) of Section 10, Section 12, subsection (1) of Section 15, subsection (4) of Section 16, and Section 19 of the Act shall apply for sales of delinquent tax bills made on or after March 1, 1998, and that the remainder of the amendments shall apply for assessments made on or after January 1, 1998; declares an EMERGENCY.

HB 572

AN ACT relating to a certificate to extend or operate a utility.

Amends KRS 278.020 to require a certificate of public convenience and necessity to begin operating a utility, as well as to undertake construction or extension.

HB 577

AN ACT relating to gas pipeline safety.

Amends KRS 278.992 to increase from \$10,000 to \$25,000 the maximum penalty for a violation of natural gas safety requirements; specifies that the penalty applies to violations of the federal Pipeline Safety Law, as amended, as well as to violations of administrative regulations promulgated by the Public Service Commission to enforce those provisions.

HB 582

AN ACT relating to the unauthorized switching of a customer's telecommunications provider.

Creates a new section of KRS Chapter 278 to prohibit switching a customer from one telecommunications to another provider without the customer's written or electronically recorded authorization; exempts local telephone companies contacted by the customer; requires the provider to maintain a record of the customer's authorization for one year; requires a provider to switch a customer back within 5 working days if the customer does not want the change; defines letter of agency, and requires that language authorizing a change of provider in a letter of agency be printed in a type size as large as any in the document if the letter of agency is combined with an inducement or with information on a different subject; requires the provider that makes an unauthorized switch to bear all costs associated with the switch, including customer charges in excess of the rates of the customer's preferred provider, if the customer notifies one of the listed parties within 180 days after receiving the first bill from the new provider; allows the Public Service Commission to penalize a provider for willful or repeated violations, and to promulgate administrative regulations to implement the section.

HB 583

AN ACT relating to child care facility licensure.

Amends KRS 199.640 and KRS 199.896 to prohibit employment of persons convicted of any sexual offense; permits public information regarding inspections of day care centers and licensure denial, suspension, or violation of any type of child care license, and restrict Cabinet's responsibility to disclose information about inspections to those occurring within the past year and permit parents and other interested persons, upon request, to obtain information as to whether the operator of a day-care center or a family child-care provider has had any type of day care license denied, suspended, revoked, or has committed a violation; places responsibility for disclosure for up to five years, on center and the family child-care home; prohibits licensure if directors of day care centers have founded reports of child abuse or neglect; amends KRS 199.898 to add parents' rights to obtain information regarding inspections, licensure denial, suspension, or violation and identifying information about children and families to remain confidential; amends KRS 199.8982 to require cabinet to promulgate administrative regulations for release of information.

HB 587

AN ACT relating to absentee voting and declaring an emergency.

Amends KRS 117.085 to allow a Kentucky resident who is a member of the Armed Forces, a dependent of a member of the Armed Forces, or a citizen residing overseas to transmit an application for an absentee ballot by facsimile machine and to allow the county clerk to transmit an absentee ballot to the voter by facsimile machine; amends KRS 117.086 to provide that a military or overseas voter who has received an absentee ballot by facsimile transmission must mail the voted ballot to the county clerk, instead of faxing it, conforming with ballot security requirements that the State Board of Elections may provide by administrative regulation.

HB 588

AN ACT relating to revenue and taxation.

Amends KRS 132.020 to provide that federally documented vessels not used in the business of transporting persons or property for compensation or hire or for other commercial purposes be taxed at a state rate of \$0.015 per \$100 of value; amends KRS 132.200 to allow counties, cities, schools, or other taxing districts to exempt federally documented vessels not used in the business of transporting persons or property for compensation or hire from local taxation; provides that the amendments contained in this Act shall apply to property assessed on or after January 1, 1999.

HB 590

AN ACT relating to Social Security coverage of public employees.

Amends various sections of KRS Chapter 61, relating to Social Security coverage of public employees, to update references to federal laws and administering officers; updates references to state institutions of higher education; deletes requirement that political subdivisions' plans for coverage authorize the state to terminate a plan for noncompliance with plan provisions; deletes authorization for political subdivisions to exclude paid sick leave from covered wages under a state-approved plan or system.

HB 591

AN ACT relating to patient safety.

Creates new sections of KRS Chapter 216B to provide that health care facilities and services, except for personal care homes, family care homes, and boarding homes, shall develop quality assurance standards, and current federal or state regulations addressing quality assurance and quality improvement for nursing facilities, intermediate care facilities, and skilled care facilities shall suffice for compliance; provides that licensed health care facilities and services shall include a care delivery model based on patient needs, and current federal or state regulations addressing staffing levels for nursing facilities, intermediate care facilities, and skilled care facilities shall suffice for compliance; provides that employees of a health care facility or service shall make a report to the facility or service, or any appropriate agency regarding a matter of patient safety; provides for 7 day time frame for investigation, corrective action, and reporting back to the person making the complaint; provides that no adverse action be taken against the person making the report; provides for confidentiality of reports and investigations; provides that health care facilities and services create quality assurance standards and abide by reporting provisions as a condition of licensure; provides that health care facilities and services shall require identification badges for personnel.

HB 592

AN ACT relating to prison labor.

Amends KRS 197.120 to prohibit the Department of Corrections from entering into a contract with the Revenue Cabinet for the use or employment of prisoners in any capacity that allows access to taxpayer information; creates a new section of KRS Chapter 131 to prohibit the Revenue Cabinet from contracting with the Department of Corrections, the United States government, any local governmental entity, or any private contractor operating a prison facility on behalf of any of these entities for the use or employment of prisoners in any capacity that allows prisoners access to taxpayer information.

HB 593

AN ACT relating to surface mining permit renewal.

Amends KRS 350.060 relating to surface mining permits, in cases where a permit has expired and the operator has unintentionally failed to file his application for permit renewal; requires the cabinet to issue a notice of noncompliance; allows the notice to be deemed to have been complied with and the permit to be renewed if the cabinet receives a permit renewal application within 30 days of the receipt of the notice of noncompliance.

HB 596

AN ACT relating to executive branch ethics.

Amends KRS 11A.020 and 11A.040 relating to the legislative branch ethics code to create exceptions to the code which would permit Professional Golfers' Association golf pros to teach golf lessons on their own time at state park golf courses; requires the Department of Parks to promulgate administrative regulations to establish guidelines for approval of golf instructors.

HB 598

AN ACT relating to public water systems.

Creates sections of KRS Chapter 151 to require the Natural Resources and Environmental Protection Cabinet to develop and implement a strategy to assist public water systems in meeting federal law requirements for system capacity to comply with the federal law; requires that after October 1, 1999, the cabinet shall not approve plans for water systems that cannot demonstrate system capacity; requires the cabinet to conduct a source water assessment and delineation program.

HB 602

AN ACT relating to barbers.

Amends KRS 317.440 and 317.450 to authorize the board of barbers to promulgate administrative regulations to establish license and renewal fees within a given range for barbers, apprentices, barber shops, barber schools, and barber instructors; reduces the age and experience requirements for barber licensees; specifies the teaching experience required for a barber school license applicant; reduces the barbering experience required for a teaching license.

HB 603

AN ACT relating to nursing facilities.

Amends KRS 216.785, relating to services for senior citizens, to include "nursing facility resident" in the definition of "direct service;" define "nursing pool;" amends KRS 216.789 to require nursing pools providing staff to a nursing facility to require criminal record checks and limit employment of persons with criminal records; amends KRS 216.793 to require nursing pools providing staff to a nursing facility to state on application forms that a criminal record check is a condition of employment.

HB 608

AN ACT relating to the certification of fee-based pastoral counselors.

Creates new sections of KRS Chapter 335 to require fee-based pastoral counselors to be certified; differentiates "fee-based" pastoral counseling from regular clergy and Christian Science practitioner activities; creates the Kentucky Board of Certification of Fee-Based Pastoral Counselors to administer the certification process and supervise certificate holders; establishes requirements for certification; defines penalties for violations by certificate holders; outlines complaint and investigation procedures; describes the funding procedures of the board; amends KRS 506 to include certified fee-based pastoral counselors in its definition of "counselors."

HB 609

AN ACT relating to alcoholic beverages.

Amends various sections of KRS Chapters 241, 242, 243, and 244 to define terms; permits distillers, rectifiers, and vintners to maintain an aging warehouse; permits farm winery to sell at an off-premises retail site; deletes language about costs of duplicate license; deletes language prohibiting the issuance of a license within 200 feet of a church or classrooms; expands the amount of time in which an applicant whose license is denied can appeal to the board from 10 to 30 days; deletes language on unfair trade.

HB 610

AN ACT relating to cities of the third, fourth, fifth, and sixth classes.

Creates a new section of KRS Chapter 81A to allow cities of the sixth class to be annexed by an adjoining city of the third through fifth class if the legislative bodies of both cities agree and pass identical ordinances specifying the nature of the agreement of the annexation if the public approves the question of annexation through petition, or by question posed at a regular or primary election, and upon annexation provides a mechanism for notification of the Secretary of State and public of the dissolution of the city of the sixth class and provides that the local option status of the annexing city rules the area of the city of the sixth class.

HB 611

AN ACT relating to prohibited cosmetology products.

Amends KRS 317A.130 to prohibit the use of a liquid nail enhancement product containing monomeric methyl methacrylate in the practice of cosmetology.

HB 612

AN ACT relating to highway signage.

Creates new sections of KRS Chapter 177 to define limited supplemental guide signs, post-interchange guide signs, city, rural area, historical site, and tourist area or attraction; requires the commissioner of the Department of Highways to promulgate regulations concerning applications for limited supplemental guide signs; requires the criteria to be based upon average annual attendance and distance from a highway; requires the commissioner of the Department of Highways to approve or reject an application within 90 days of its receipt; specifies the required contents of an application for a limited supplemental guide sign; requires a two hundred dollar non refundable application fee; requires an approved applicant to pay a fee not to exceed five hundred dollars per year for a period of ten years or the total cost of the sign and its installation, amortized for a period of ten years, whichever is the lesser; creates standards for the usage of supplemental guide signs; requires the commissioner of the Department of Highways to apply to the Federal Highway Administration for permission to experiment with a new usage of post-interchange guide signs on all fully controlled access highways; amends KRS 177.0736 to include interchanges on partially controlled access highways.

HB 614

AN ACT relating to insurance.

Amends KRS 304.9-295 to exempt from the continuing education requirements for insurance agents persons holding nonresident licenses who have met the requirements in their state of domicile and persons maintaining licenses for the sole purpose of receiving renewals or deferred commissions; deletes exemption provided to persons holding licenses prior to July 1, 1988; provides that 12 of the 24 hours must be classroom hours; amends KRS 304.29-331, 304.32-180, 304.38-110, and 304.43-080 to conform.

HB 617

AN ACT relating to the regulation of entities that provide child care or child placement services.

Amends KRS 199.011 to include state operated facilities in the definition of child-caring facility, excluding facilities operated or contracted by the Department of Juvenile Justice; amends KRS 199.640 to establish guidelines for the promulgation of regulations relating to the licensing of child-placing and child-caring agencies; amends KRS 199.670 to establish an informal dispute resolution process for deficiencies contested by child-placing or child-caring agencies; establishes areas of jurisdiction if the Cabinet for Human Resources reorganization is confirmed by the General Assembly; amends KRS 199 and KRS 205.634 to prohibit reimbursement to out-of-state providers of children's residential care for children from Medicaid funds or Department for Social Services funds unless both cabinets determine there is no in-state provider available at a comparable cost; allows exceptions based on type of services needed and geographical location of services; requires both cabinets to establish uniform conditions, requirements, and exceptions and include such in administrative regulations.

HB 618

AN ACT relating to health insurance coverage for cancer drugs.

Creates a new section of Subtitle 17A of KRS Chapter 304 to define "medical literature" to include the official U.S. Pharmacopoeia, American Hospital Formulary or published studies in professional journal publications which meet specific criteria; requires all health benefit plans to include coverage of cancer drugs when used for an indication other than one on its label if the drug is recognized for that indication in the official compendium or medical literature; includes services necessary to administer the drug; states that coverage is not required for drugs not approved by the Food and Drug Administration, when there are contraindications, or for experimental drugs; creates a panel of five (5) medical experts to review off-label uses and makes recommendations for use; gives commissioner of insurance authority to authorize payments for off-label drugs.

HB 621

AN ACT relating to long-term care facilities.

Creates a new section of KRS Chapter 216 to direct that long-term care facilities not be operated by or employ any person listed on the nurse aide abuse registry required by 42 CFR 483.156.

HB 623

AN ACT relating to employee criminal background checks.

Amends KRS 216.789 to provide that a facility contracted or operated by the Department for Mental Health and Mental Retardation Services of the Cabinet for Human Resources shall do criminal background checks; amends KRS 216.793 to provide that an employee background check be conducted on all employees in a facility either contracted or operated by the Department for Mental Health and Mental Retardation Services.

HB 624

AN ACT relating to a compact between a city of the first class and a county containing a city of the first class and declaring an emergency.

Amends KRS 79.310 relating to cooperative compacts between cities of the first class and their counties to permit renewal of the compact required by KRS 79.310 as prescribed, requires any renewals to be for 10 years; amends KRS 81A.005 to permit a city of the first class with a cooperative compact to amend any annexation ordinance which states their intention to annex after the effective date of this Act and prior to September 30, 1998 in order to allow these areas to be annexed by another city, clarifies that the amendment of such ordinances does affect the priority rights which have been established by the city's annexation proposal; creates new language in KRS Chapter 79 to establish a non-severability clause; creates an LRC task force to study local government in counties containing a city of the first class, the task force shall consist of all legislative representatives of the county, the mayor and members of the board of aldermen of a city of the 1st class, the county judge/executive and other members of the fiscal court, the sheriff, the county clerk and 6 representatives of the other classes of cities within the county, requires the task force to begin by June 1, 1998 and end by August 1, 1999, requires the chair and vice chairs of the county legislative delegation to jointly chair the task force, and provides for the staffing and funding of the task force through the LRC budget; EMERGENCY.

HB 625

AN ACT relating to air boards.

Amends KRS 183.132, relating to local air boards, to change the appointment process for members of an air board created by an urban-county government to provide that the mayor of the urban-county government or his designee to serve as one (1) member of the board and that the mayor shall appoint the remaining five (5) members if it is a six (6) member board or the remaining nine (9) members if it is a ten (10) member board; requires one member of a five-person urban-county board or two members of a ten-person urban-county board to live within a three-mile radius of the airport.

HB 626

AN ACT relating to animal control.

Amends KRS 258.095 to define various terms; amends KRS 258.195 to allow cities, counties, urban counties and charter counties to employ and contract with each other for animal control officers' services and allow these officers to issue citations only for the enforcement of local dog control ordinances, or within KRS Chapter 258; amends KRS 258.215 to allow dog wardens (DW) and animal control officers (ACO) extra powers for seizure and impoundment; amends KRS 258.225 to penalize DWs and ACOs for refusal to perform duties under chapter; amends KRS 258.235 to allow a person to seize a dog worrying or wounding livestock and to further remove from liability that person for attempting to seize, or for wounding a dog doing so; allows a person to seize a dog in an enclosure and to further remove from liability that person for attempting to seize, or for wounding a dog in the enclosure, and mandate that a dog so seized be turned over to proper authorities as specified in the Act; subjects an owner or keeper of a dog that has attacked a person to certain penalties, and subjects the dog to confinement or subsequently to noncompliance, subjects the dog to destruction by court order; allows DWs and ACOs to enforce orders of the court;

allows a DW or ACO to destroy a vicious dog running at large without liability; amends KRS 258.645 to add DWs and ACOs to persons who may kill a licensed dog; amends KRS 258.265 to allow DWs and ACOs to seize or destroy a dog found running at large at night that is not under the control of its handler; amends KRS 258.305 to conform; amends KRS 258.325 to allow DWs and ACOs to destroy a dog in violation of section; amends KRS 258.345 to specify that hounds shall be considered to be under control of their owner in certain circumstances in quarantine situations as specified in section, and allows DWs and ACOs to kill dogs in violation of section; amends KRS 258.990 to modify penalties; amends KRS 258.135 to allow a county to issue additional licenses in conjunction with rabies vaccinations.

HB 629

AN ACT relating to highways.

Creates a new section of KRS Chapter 177 to define the term "partial control of access", directs the Transportation Cabinet to establish spacing requirements for access points, set minimum spacing between access points at 1,200 feet in rural areas and 600 feet in urban areas; allows cabinet to change spacing of access control points if requested by owner, occupant or local government and if a change is supported by engineering and traffic study done by the State Highway Engineer; limits changes to 15% of minimum spacing.

HB 630

AN ACT relating to constables.

Amends KRS 64.527, the rubber dollar statute, to require that the salary for constables, in counties with urban-county governments, shall increase at the rate of inflation.

HB 632

AN ACT relating to engineers and land surveyors.

Amends and creates various sections of KRS Chapter 322 to license rather than register professional engineers and professional land surveyors; defines "professional" engineers and land surveyors as those who are licensed to practice their profession; defines terms as used throughout the Act; expands educational, work experience, and testing requirements for both professions; allows issuance of permits to business entities practicing either profession; provides English proficiency requirement; provides for reciprocal professional licensure; further describes the renewal process; defines violations that support disciplinary action; provides for admonishment as a means of disciplinary action; changes the number of board members from seven (7) to nine (9); provides criteria for board member qualification; provides that the board hold at least four (4) meetings each year; establishes a board quorum of six (6) members; exempts agents and staff of the board from personal liability resulting from board actions; requires distribution of a list of all licensees every two (2) years; requires licensees to get a seal or stamp for certifying their work; sets forth rules for certifying professional work product; amends KRS 381.835 to require verified certification by a licensed architect or a professional engineer on recorded plans; amends KRS 433.770 to impose penalties for persons who intentionally destroy a boundary marker; amends KRS 353.590 to require certification of plats by professional land surveyors; amends KRS 45A.730 to include the definition of professional engineer; amends KRS 376.075 to require professional engineers and land surveyors to have a lien on the property where services are

performed; repeals KRS 322.130, 140, 150, and 350; makes these changes effective January 1, 1999.

HB 634

AN ACT relating to Real Estate Appraisers.

Amends KRS 324A to allow real estate appraisers to put their certificates or licenses into an inactive status for up to three (3) years; gives the board power to issue admonishments for minor violations and increase fine limit to two thousand dollars (\$2000) for major violations; allows certificate holders or licensees whose privileges have been revoked to petition for reinstatement after three (3) years; defines who may file a complaint against a real estate appraiser; raises both the application fee and the certificate or licensure fee for federally-related transactions to two hundred twelve dollars (\$212), which includes a current edition of the Uniform Standards of Professional Practice.

HB 635

AN ACT relating to license plates.

Amends KRS 186.1732 to expand the Army Reserve license plate to include active, retired, reserve, or veteran members of the Army, Air Force, Navy, or Marine Corps.

HB 636

AN ACT relating to waste tires.

Creates sections of subchapter 50 of KRS Chapter 224 to establish a waste tire program; excludes certain waste tires from the program; prohibits disposal of waste tires except at a permitted solid waste disposal facility; prohibits processing more than 25 waste tires, transporting more than 50 tires, or accumulating more than 100 waste tires unless certain conditions are met; requires processors, transporters, and accumulators to register with the cabinet; requires financial assurance that the costs of closure and corrective action can be paid for by waste tire processors, transporters, and accumulators; requires the financial assurance to be based on the maximum number of tires to be managed; requires closure and corrective action to follow certain standards; requires, until July 31, 2002, buyers of new tires to pay \$1 for each tire purchased; requires the Revenue Cabinet to deposit the fees to the waste tire trust fund; requires the cabinet to report to the General Assembly if the fee should be extended beyond July 31, 2002; requires the movement of waste tires to be recorded by the use of a recordkeeping system; allows the cabinet to enter into agreements for the proper management of waste tires; allows the cabinet to use money in the waste tire trust fund to award grants for projects to manage waste tires; establishes the waste tire trust fund and the purposes for the use of fund money; requires a local determination for burning tires for fuel by any facility; repeals KRS 224.50-820, 224.50-822, 224.50-823, 224.50-824, 224.50-826, 224.50-828, 224.50-829, 224.50-830, 224.50-832, 224.50-834, 224.50-836, 224.50-838, 224.50-840, 224.50-842, 224.50-844, and 224.50-846.

HB 638

AN ACT relating to bankruptcy.

Amends KRS 427.150 relating to property exempt from bankruptcy to include Roth Individual Retirement Accounts, Section 408A of the Internal Revenue Code.

HB 639

AN ACT relating to financing of energy savings projects.

Amends KRS 45.760 to allow for the authorization of an energy savings project or equipment used to reduce energy costs when not listed in any branch budget bill, statutory budget memorandum, and biennial budget report if the energy savings are reasonable and sufficient to pay for fifty percent (50%) of the project or equipment costs with savings projected to be sufficient to produce a five-year payback; amends KRS 45A.345 to define capital cost avoidance; changes the term "energy efficiency measure" to "energy conservation measure"; specifies project costs covered by the guarantee in the definition of guaranteed energy savings contract; lists responsibilities of a qualified provider in the definition of qualified provider; amends KRS 45A.352 to specify evaluation criteria for assessing a request for proposal; requires that an overview of the goals and objectives of a facility be included in the request for proposal; requires respondents to the request for proposal to submit a list and an estimate of the energy conservation measures, including a proposed method and cost of financing; requires that the difference between proposed and the final negotiated value of the cost of the contract discounting guaranteed savings be not greater than fifteen percent (15%); provides local public agencies to obtain additional maintenance services; allows for and set procedures for local public agencies to use a request for qualifications; removes restrictions on the term of the contract; requires qualified providers to submit annual reconciliation statements and to remit for any guaranteed savings short falls within thirty (30) days; allows qualified providers to bill a local public agency for a short fall remitted for a given year that is covered by surpluses in the following year and specifically restricts the bill back period to no more than one year; provides for restrictions on the use of capital cost avoidance; provides guidelines for the chief state school officer to use in reviewing guaranteed energy savings contracts; provides that the request for proposal satisfies the requirements in KRS 162.070; amends KRS 45A.353 to provide for local public agencies to use lease purchase or bonds to finance energy conservation measures; exempts energy and operational savings from current or future debt limitations; limits capital cost avoidance to current or future debt limitations; amends KRS 56.774 to exempt engineers, architects, or persons trained in energy efficiency from the provisions of KRS 45A.800 to 45A.845; provides that remaining savings be paid directly to the Finance and Administration Cabinet to reimburse for the administration and oversight of the project; amends definition of energy conservation revenue bonds to restrict their use for financing guaranteed energy savings contracts; adds definitions for "local public agency", "capital cost avoidance", and "guaranteed energy savings contract"; amends 58.605 to change the term "governmental agency" to "local public agency"; restricts the issuance of energy conservation revenue bonds to the financing of a guaranteed energy savings contract; provides that energy conservation measures comply with provisions of KRS 45A.345, 45A.352 and 45A.353; requires that the term of the bonds be coterminous with the term of the guaranteed energy savings contract; prohibits local public agency from entering into a guaranteed energy savings contract if the total cost of the energy conservation measures exceeds the energy savings, operational savings, and capital cost avoidance; provides restrictions for the use of capital cost avoidance; amends KRS 58.610 to provide criteria for the chief state school officer to consider a guaranteed energy savings project; adds conforming language; amends KRS 157.420 to allow districts to use capital outlay funds for guaranteed energy savings contracts and restrict the type of energy conservation measures that they can be expended for; amends KRS 157.440 to allow districts to contribute equalization funds to

pay for energy conservation measures under guaranteed energy savings contracts and provides guidelines for how funds can be expended; repeals KRS 58.615.

HB 640

AN ACT relating to the financing of water systems.

Amends KRS 151.118 to extend the dates for the extension of financial assistance by the Natural Resources and Environmental Protection Cabinet and the cabinet's endorsement of projects for counties and municipalities that do not have an approved water supply plan until July 15, 1999; provides that effective July 15, 1999 the full cost of water supply plan development will be the responsibility of any county and its municipalities and public water systems without an approved plan by the cabinet.

HB 641

AN ACT relating to teachers.

Establishes a sick leave donation program for teachers in local school districts to voluntarily contribute time to another teacher requiring an extended absence; permits donation of time in excess of 15 days of sick leave accumulated; sets forth circumstances under which a teacher may receive donated time; requires that compensation and benefits not be affected during absence, unused time be returned to the donating teacher, and the board of education adopt policies to implement the program.

HB 643

AN ACT relating to the scenic and recreational trails.

Amends various sections of KRS 148.610 to 148.780 relating to scenic and recreational trails to require the commissioner of the Department of Parks to provide information to the General Assembly on proposals for additions to the state scenic and recreational trails system and on the program for implementing KRS 148.610 to 148.780; allows the department to review former railroad corridors for possible inclusion in the state trails system; requires the Commissioner of the Department of Parks to consider the rights of adjacent property owners when developing procedures for making existing rights-of-way available for trail development; requires the department to establish a trails coordinator to carry out the purposes of KRS 148.610 to 148.780; requires the department to coordinate its efforts with the Transportation Cabinet in so far as the provisions of KRS 148.610 to 148.780 and the provisions of KRS 174.100 to 174.125 can be used to develop bicycling opportunities in the state.

HB 644

AN ACT relating to a purchase of development rights program in urban-counties.

Creates a new section of KRS Chapter 67A to declare findings of the General Assembly; creates a new section of KRS Chapter 67A to define various terms used in the act; creates a new section of KRS Chapter 67A to establish a program to allow urban county governments to purchase development rights and define aspects of the program; creates a new section of KRS Chapter 67A to allow a public referendum for the purchase of development rights program and allow the purchases made under that program to be financed through an ad valorem tax, a license fee or a transient room tax, and defines the contents of the public

referendum question and procedure; amends various KRS sections to allow for the additional taxes to be used for the program.

HB 645

AN ACT relating to identification cards.

Amends KRS 186.412 to define full legal name in regard to a married woman applying for an operator's license or a nondriver's photo identification card.

HB 646

AN ACT relating to retirement.

Amends KRS 61.510 to provide that KERS prior service for employment in the office of a Commonwealth's attorney can be validated by at least 15 years current service in the County Employees Retirement System; requires interested parties to file for the benefit by the date of January 1, 1999.

HB 648

AN ACT relating to revenue and taxation.

Amends KRS 136.320 to reduce the rate imposed against taxable capital from \$0.70 per \$100 to \$0.01 per \$100 over 6 years, and to impose a premiums tax beginning in 2000 at a rate of \$0.38 per \$100, phasing up over a 6-year period to \$1.50 per \$100; amends KRS 136.330 to reduce the premiums tax over a 6-year period from \$1.90 per \$100 to \$1.50 per \$100, and exclude annuities from tax base beginning in the year 2000; creates a new section of KRS Chapter 136 to require companies incorporated under the laws of and doing business in Kentucky to make an irrevocable election to be taxed under KRS 136.320 or 136.330; amends KRS 136.377 to delete redundant language; amends KRS 304.42-130 to allow the tax imposed by Section 1 of the Act to be offset against any assessment paid by a company.

HB 649

AN ACT relating to the practice of pharmacy.

Creates a new section of KRS Chapter 315 to require the Board of Pharmacy to establish an impaired pharmacist committee; permits the board to contract for the creation of the committee; authorizes the board to promulgate administrative regulations to implement the provision of this section; requires the board to collect an additional \$10 for licensure fees for the operation of the committee; exempts committee members from liability for any claim or damages brought as a result of "good faith" committee actions; requires the committee to keep all information collected during investigations confidential; requires the committee to keep all records and proceedings confidential, not subject to subpoena or not considered public record; permits the committee to disclose confidential information for treatment purposes, or authorization of the pharmacist, or subject to requirements of KRS 315.121 that covers the release of confidential information in potentially harmful situations; amends KRS 333.040 to exempt medical laboratories operated by facilities holding a permit pursuant to KRS 315.035 and a valid certification pursuant to the Clinical Laboratory Improvement Act of 1988, from provisions of KRS Chapter 333, relating to medical laboratories, only in connection with assisting a patients with certain tests available from stock or inventory and used in connection with treatment covered under collaborative care agreements; amends KRS 315.010 to make technical correction changing the requirement from 15 to 1-1/2 continuing

education units per year; creates a new section of KRS 315 relating to pharmacists' and pharmacies' ability to place certain drugs in home health agencies and hospices; requires written agreement between the pharmacy and the home health agency or hospice; requires the development of a written protocol on drug storage and handling; requires a facility inspection at least once per year; requires the cabinet to promulgate administrative regulations to implement these provisions.

HB 650

AN ACT relating to motor vehicle insurance.

Amends KRS 186A.040 to require the Transportation Cabinet to revoke the registration of a motor vehicle belonging to any person who cancels or does not renew motor vehicle insurance; amends KRS 186.180 to require proof of motor vehicle insurance and a reinstatement fee of twenty dollars (\$20), to be equally divided between the Cabinet and the county clerk; amends KRS 304.39-080 to set forth that any owner of a motor vehicle who fails to maintain security on a motor vehicle will have the registration of that vehicle revoked; amends KRS 304.39-090 to set forth that any owner of a motor vehicle who fails to maintain security on a motor vehicle will have the registration of that vehicle revoked; amends KRS 186.440 and 186.570 to delete certain statutory references; amends KRS 186A.035 to include a statutory reference regarding revocation of motor vehicle registration; amends KRS 304.99-060 to include revocation of motor vehicle registration as a penalty.

HB 651

AN ACT relating to sanitation districts.

Creates new sections of KRS Chapter 220 relating to sanitation districts to permit districts to levy surcharges, rates, fees, or other user charges to defray the costs of acquisition, construction, or establishment of sanitation facilities within the jurisdiction of the district; requires charges to be based on the factors in KRS 220.510, and prohibits any finance charges from exceeding 10%; permits board of directors of the district to adopt rules and regulations regulating the connection, reconnection, relocation, or disconnection of storm sewers and sanitary sewers within the district as prescribed; permits prescribed "inflows" to be designated as a nuisance and permits injunctive relief and abatement; permits expenditure and reimbursement of district funds as prescribed; permits the assessment of property owners for sewer disconnection, relocation, or reconnection as provided; prohibits interest rates from exceeding 10% and any installment payments from exceeding 15 years; requires property owners to maintain improvements unless exempted by public easement dated prior to January 1, 1994; exempts prescribed municipalities who own separate storm sewer facilities; amends KRS 220.030 to clarify the purposes for which sanitation districts may be established.

HB 652

AN ACT relating to elder abuse.

Amends KRS 209.100 to include "exploitation" in the description of abuse and neglect; amends KRS 209.990 to require that any person who knowingly or willingly financially exploits an adult is guilty of a Class C felony; amends KRS 311.625 to limit witness to an advance directive; amends other sections of KRS 209 to conform; requires the cabinet to have access to financial records of elders when an investigation of abuse, neglect or exploitation is conducted; requires the cabinet to create an Elder Abuse Committee to develop

a model protocol on elder abuse and neglect in Kentucky through the involvement of state agency personnel who directly or indirectly provide services to the elderly or their families; requires coordination of the committee's activities with local long-term care ombudsmen and local governmental human service groups; requires the committee to explore the need for statewide resource directories, to enhance public awareness campaigns for elder abuse and neglect and to provide forums for the exchange of information to educate the elder population and their families on the rights of elders; requires an annual report to the Governor and the Legislative Research Commission on their activities, products and recommendations for public policy.

HB 654

AN ACT relating to hunting and fishing licenses.

Creates and amends sections of KRS Chapter 150 to establish a senior/disabled hunting and fishing license and deletes certain exemptions from obtaining a hunting and fishing license based upon age or disability; delays the effective date of the Act to March 1, 1999.

HB 655

AN ACT relating to the six (6) year road plan.

Amends KRS 176.419 to define "six year road plan" and includes "estimated cost to complete a project" as a component of the six year road plan; adds a section to the six year road plan presented to the General Assembly that provides a list of projects from the last four years of the plan, not to exceed 10% of estimated biennial appropriation, for potential acceleration if more funds are received or projects are delayed; specifies information to be included in the plan; requires the state highway engineer to provide a cost estimate by January 15 for any project requested for advancement or inclusion in the six year road plan by a member of the General Assembly if the request is received by November 1 of the preceding year; requires General Assembly amendments to the six year road plan to use cost estimates provided by the state highway engineer; specifies information the Transportation Cabinet is to submit monthly to the legislature on six-year road plan projects; amends KRS 176.440 to delete requirement for the Transportation Cabinet to submit a draft plan six (6) months preceding a regular session of the General Assembly; amends KRS 45.245, 45.246, and 45.247 to conform; repeals KRS 45.2451, 45.248, 176.435, 176.460, and 176.470.

HB 656

AN ACT relating to motor vehicles.

Creates a new section of KRS 138.455 to 138.470, regarding motor vehicle usage tax, to outline qualifications for loaner motor vehicles and set forth procedures for payment and collection of usage tax on loaner motor vehicles; amends KRS 138.450 to define the terms "dealer" and "loaner motor vehicle" and to include loaner motor vehicle under the definition of "retail price"; amends KRS 138.4631 to set penalties for failure to file returns or pay taxes required under Section 1 of the Act; amends KRS 138.463, regarding collection of U-Drive-It tax, to delete the requirement that the Transportation Cabinet provide evidence that permit holders may pay monthly tax and delete requirement that such evidence be shown to the County Clerk when registering a vehicle.

HB 658

AN ACT relating to farm safety.

Creates new sections of KRS Chapter 247 to require the Department of Agriculture to allocate grants of \$1,000, if funding is available, to eligible county organizations to assist the organizations in implementing a farm safety program; requires a county organization to be incorporated as nonprofit, and requires the organization to submit a business plan to the department; requires an approved organization to report annually to the departments.

HB 659

AN ACT relating to victims of crime.

Amends KRS 342.020, relating to compensation of crime victims, to include victims of acts of terrorism committed outside the United States.

HB 666

AN ACT relating to commerce.

Amends various sections of the Kentucky Revised Statutes to make technical changes to statutes which govern business entities in Kentucky; repeals KRS 275.215 and 275.270.

HB 668

An ACT relating to government.

Amends KRS 30A.060 to permit, by rule of the Chief Circuit Judge, certain public officers and employees to prepare and accept bail bonds; amends KRS 186.490 to require circuit clerks to report and remit monthly to the state all moneys collected during the preceding month; amends KRS 186.531 to require that 22% of the cost for the issuance of any original and renewal operator's license shall be deposited in a trust and agency account to the credit of the Administrative Office of the Courts and shall be used to assist circuit clerks in hiring additional employees and providing salary adjustments for employees; requires a fee of \$3.00 for a combination motor vehicle-motorcycle operator's license.

HB 670

AN ACT relating to real estate.

Creates new sections of Chapter 324 that establishes that a principal broker is not a dual agent if he appoints different licensees from the same firm to work with both the seller and the buyer in the same transaction; specifies that there is a duty to disclose under this chapter when someone acts as a dual agent.

HB 671

AN ACT relating to planning commissions in counties with populations over three hundred thousand.

Amends KRS 100.137 to mandate that the mayor and county judge/executive ensure that half of the appointees they jointly appoint to the planning commission have no interest in the land development and construction industry, and that all ten of the members of the planning commission disclose, in a written statement, any personal or family commercial interests relevant to land use, new development supply, or new development construction; provides that any member voting on an issue in which the member or member's family has a

known interest or a member's failure to disclose an interest shall subject the member to removal proceedings under KRS 100.157.

HB 673

AN ACT relating to wireless enhanced emergency 911 systems.

Creates new sections of KRS Chapter 65 to define terms; creates the 8-member Commercial Mobile Radio Service (CMRS) Emergency Telecommunications Board of Kentucky; specifies method of appointment, terms, compensation, organization with the Finance and Administration Cabinet, and staff services; creates the position of administrator of CMRS emergency telecommunications, the administrator being both a member of and chief administrative officer of the board, specifies powers and duties of the administrator; creates a CMRS emergency telecommunications fund, to receive \$.70 per month from each wireless telephone subscriber, the fund to be completely independent of control or possession by the Commonwealth; specifies duties of the CMRS Board including to maintain the fund, audit the fund, make disbursements from the fund, and make policy to govern its decisions; allocates, each month, up to 2.5% of fund revenues for administrative costs, 50% for public service answering points to upgrade equipment and personnel to operate wireless enhanced 911 answering equipment, and 50% for CMRS (wireless telephone) providers, to upgrade their systems to operate enhanced 911 services; directs the board to promulgate administrative regulations to set specified procedures and guidelines; directs CMRS providers to collect the monthly fee, specifies that the fee be stated separately on customers' bills, allows providers to keep up to 1.5% for collecting the money, and lets the state, not the provider, enforce collections against customers, or against the provider on behalf of the board; gives CMRS providers or service suppliers immunity from liability for damages related to provision of 911 service, except in cases of wanton or willful misconduct or bad faith; requires each CMRS provider to provide the board and public service answering points the names and telephone numbers of subscribers, but prohibit the release of this information or its use for any but the specified purposes; prohibits use of wireless emergency telephone service for inappropriate purposes, and establishes penalties; amends KRS 65.750 to exclude wireless E911 services.

HB 675

AN ACT relating to revenue and taxation.

Amends KRS 139.470 to exclude from the sales and use tax gross receipts from the sale of newspaper inserts or catalogs purchased for use, storage, or consumption outside this state and delivered outside this state; provides that the amendments included in the Act are intended to clarify existing confusion about the application of the sales and use tax to these types of sales; provides that the amendments included in the Act shall be effective for sales made on or after January 1, 1998; adds a new section amending KRS 132.130 to allow the Revenue Cabinet to enter into agreements with out of state retailers or other persons for the collection and remittance of sales and use tax, motor fuels tax, or the petroleum environmental assurance fee; provides exemption from the sales and use tax for various farm equipment and implements.

HB 679

AN ACT relating to long-term care facility reform.

Amends various sections of KRS Chapter 216 to require all inspections instead of all annual inspections of long-term care facilities to be unannounced; requires inspections to be performed no later than 7 to 15 months after the previous inspection; requires every long-term care facility to post a sign indicating that state law requires state inspection reports on long-term care facilities to be made available upon request; requires the Office of Inspector General be responsible for providing public notice of long-term care facility licensure inspection results; replace certain references to "nursing facility" with "long-term care facility"; increases the civil penalties for Type "A" violations of Cabinet for Human Resources regulations, standards, and requirements presenting an imminent danger to any resident of a long-term care facility and creating substantial risk that death or serious mental injury or physical harm to a resident will occur; increase the civil penalties for Type "B" violations of Cabinet for Human Resources regulations, standards and requirements presenting a direct or immediate relationship to the health, safety, or security of any resident but not creating an imminent danger; applies trebling of civil penalties for violating a statute or regulation for which a licensee has received a citation and penalty during the previous 12 months; repeals KRS 216.550 and 216.553.

HB 680

AN ACT relating to sales and use tax exemptions for agriculture.

Amends KRS 139.480 to exempt baling twine and wire from sales and use tax.

HB 684

AN ACT relating to insurance.

Amends various sections of Subtitle 42 of KRS Chapter 304 pertaining to the Kentucky Life and Health Insurance Guaranty Association to clarify the purpose of the association; specifies conditions under which the association coverage is provided for structured settlement annuities; specifies which policies the subtitle does not apply to; establishes limits of coverage; provides for payment to the association of deposits not turned over to liquidator; authorizes the association to intervene before a court or agency with jurisdiction over an impaired or insolvent insurer; authorizes the association to request information from a person seeking coverage to aid it in determining its obligations to the person; permits the association to elect to succeed to the rights and obligations of the member insurer that accrue one year or later after the association becomes responsible for a member insurer's obligations pertaining to reinsurance agreements; allows another insurer to succeed to rights of association if association transfers its obligations to the insurer; provides that venue for suit against the association shall be Franklin County; prohibits a person from entitlement to benefits in addition to those arranged or offered under a plan or arrangement that fulfills the association's obligations; requires a member to pay all assessments once a deferral has been removed; redefine the average annual premiums for purposes of two or more assessments in a calendar year with respect to insurers that become impaired or insolvent in different calendar years; requires full payment of assessment when insurer protests assessment; permits association to receive a disbursement of assets out of marshaled assets to reimburse it as a credit against contractual obligations; requires the association to provide to a member

upon request a copy of its annual financial report; extends immunity to other state associations of similar purposes.

HB 689

Amends KRS 158.135 to change the definition of "state agency children"; amends KRS 199.011 to redefine "child-caring facility" and "group home"; amends KRS 199.645 to prevent the Cabinet for Human Resources from promulgating certain regulations under KRS Chapter 635; amends KRS 15A.065 to limit the responsibilities of the Department of Juvenile Justice; amends KRS 605.110 to set the cost of medical care provided to a child committed to the Department of Juvenile Justice at a cost not to exceed the Medicaid reimbursement rate; requires the Kentucky Educational Collaborative for State Agency Children to provide services to children in detention facilities; amends KRS 610.050 to require a court to give temporary custody of a child to a suitable custodian consenting to temporary custody; amends KRS 610.080 to prevent a child from waiving the right to two distinct juvenile hearings held on two days; amends KRS 610.120 to limit court orders pertaining to certain children; amends KRS 630.010 to prevent the conversion of status offenders into public offenders by virtue of status conduct; amends KRS 635.055 to prohibit a child found in contempt of court from being committed as a public offender; amends KRS 635.100 to provide for the capturing of a youth who escapes from a treatment facility or program; amends KRS 13B.020 to exempt certain administrative hearings from the provisions of KRS Chapter 13B; amends KRS 600.020 to redefine "certified juvenile holding facility," "child-caring facility," "commitment," "detain," "juvenile holding facility;" "public offense action," and "youth alternative center"; amends KRS 635.505 to define "juvenile sexual offender"; amends KRS 635.510 to provide standards for a court to follow in declaring a youth a "juvenile sexual offender"; amends KRS 635.515 with a technical amendment; amends KRS 635.020 with a technical amendment; creates a new section of KRS Chapter 635 to establish standards for a sentencing Circuit Court to transfer a youth to an adult facility operated by the Department of Corrections; amends KRS 640.070 to allow a sentencing Circuit Court ten days in which to hold a hearing to determine that a youthful offender should be committed to an adult facility; requires that a youth placed in an adult facility shall not later be transferred to a juvenile facility; amends KRS 640.080 to require a youthful offender parole violator to be placed in a secure juvenile detention facility until the age of 18, unless the youth is released prior to age 18; requires the youth to be transferred to the Department of Corrections once the youth reaches age 18; repeals KRS 635.540; EMERGENCY.

HB 690

AN ACT relating to juvenile justice.

Amends KRS 15A.200 to authorize the Department of Juvenile Justice to certify juvenile holding facility staffs and juvenile holding facilities; amends KRS 15A.210 to authorize the Department of Juvenile Justice to promulgate administrative regulations pertaining to secure detention facilities and juvenile holding facilities; amends KRS 15A.220 to authorize the Department of Juvenile Justice to regulate secure juvenile detention facilities and juvenile holding facilities; amends KRS 15A.230 to authorize the Department of Juvenile Justice to inspect registered secure juvenile detention facilities; amends KRS 15A.240 to conform; amends KRS 15A.250 to require that the Department of Juvenile Justice administer the alternatives to detention fund; amends KRS 15A.270 to conform; creates a new section of

KRS 15A to define certain terms; creates a new section of KRS Chapter 15A to permit the commissioner of the Department of Juvenile Justice to purchase liability insurance for health care professionals working for the department; amends KRS 200.115 to authorize the department to pay for the care and treatment of children committed to the department; amends KRS 605.150 to permit the department to promulgate administrative regulations to carry out the provisions of the chapter; amends KRS 610.010 to conform; amends KRS 610.060 to require that the fact that a child is committed to a state agency shall not be cause for the court to order that agency to pay for counsel; amends KRS 610.070 to permit a representative of the department to observe juvenile court proceedings; amends KRS 610.100 to permit a county to enter into a contract with the department to conduct an investigation in a juvenile court proceeding; amends KRS 610.170 to allow a court to order a parent to pay for the maintenance of a child even when a petition has not been filed; amends KRS 610.200 to require a police officer to notify the department when the officer takes the child into custody; amends KRS 610.267 to permit more counties to operate youth alternative centers; amends KRS 610.330 to permit the department to initiate proceedings to expunge the criminal record of a child; amends KRS 610.360 to require that when a child is committed, court costs shall not be assessed against the department; creates a new section of KRS Chapter 15A to require the Department of Juvenile Justice to establish a Detention Facility Standards Committee and set its duties; requires administrative regulations relating to juvenile detention facilities to be issued only after consultation with the Detention Facility Standards Committee; amends other KRS sections with conforming amendments and to permit the department to promulgate administrative regulations to carry out the provisions of KRS Chapters 635 and 640; repeals KRS 441.057.

HB 696

AN ACT relating to income taxation.

Amends KRS 141.010 to define "taxable net income" for real estate investment trusts.

HB 697

AN ACT relating to local government code enforcement boards.

Amends KRS 65.8808 to include zoning ordinances under the purview of local code enforcement boards, prohibits classifying criminal offenses and moving vehicle offenses as a civil offense; amends KRS 65.8811 to also allow code enforcement boards to consist of 3 members; amends KRS 65.8815 to allow 2 or more members to constitute a quorum on a 3 member board; amends KRS 65.8828 to allow hearings before the code enforcement board to be scheduled anytime after the request has been made, permits instead of requires a code enforcement board case to be presented by an attorney; amends KRS 65.8831 to limit District Court appeals to a review of the record created before the code enforcement board.

HB 703

AN ACT relating to regulation of athlete agents.

Creates new sections of KRS Chapter 164 to require the registration and regulation of athlete agents; defines terms; assigns the responsibility for registering athlete agents to the Division of Occupations and Professions; creates a revolving fund for financing the registration of athlete agents; provides for financing with registration fees; requires all athlete agents to register with the division, to pay a registration fee not to exceed \$300, and to submit

evidence of a surety bond, malpractice insurance, or assigned deposits of \$100,000; denies registration to any person convicted of relevant crimes within the last 10 years or any person who has had registration, certification, or licensure denied or revoked by another state; lists prohibited acts; requires athlete agents to use approved contracts with specified disclaimers; requires written notification to the school of any contract entered into by a student athlete; grants a student athlete a period of 15 days within which to rescind a contract; requires a student athlete to notify the school within 72 hours of negotiating or signing a contract; requires at least 70 hours of community service for failure to comply; makes the athlete agent and the student athlete liable for any damages a school incurs when a school is sanctioned as a result of the ineligibility of the student athlete; directs the division to refer complaints the affected schools for investigation; permits the division to suspend or revoke registration upon recommendation of school when violations of law are documented upon investigation; provides for appeal of actions and a 13B hearing; specifies that an action taken is to be defended in the hearing by the affected school; establishes criminal penalties for violation of certain provisions of the Act.

HB 704

AN ACT relating to lease of real property for state use.

Amends KRS 48.111 to require that the Capital Projects and Bond Oversight Committee review certain leases, not listed in the budget, prior to final authorization; amends KRS 56.803 to require the commissioner of the Department for Facilities Management, certain department employees and the head of the agency that will occupy leased space to certify that the lease process did not violate KRS 56.800 to 56.823; amends KRS 56.814 to prohibit state employees from discussing leasing plans with landlords outside of the lease process; amends KRS 56.823 to require that all leases, including all lease renewals, with annual rental in excess of \$100,000 be reported to the Capital Projects and Bond Oversight Committee; amends KRS 56.990 to create penalties for violations of KRS 56.800 to 56.823; permit proposed new construction to be considered in state procurement of leased space without going through the built-to-suit process, so long as the proposed new construction does not contain provisions for a lease-purchase or an option to purchase; amends KRS 56.805 to conform.

HB 708

AN ACT relating to the use of information technology.

Establishes KRS Chapter 369 and creates new sections of that chapter relating to electronic signatures and electronic records; establishes the purposes; defines "electronic", "electronic record", "electronic signature," and "record"; establishes exemptions to the application of this Act; directs that a person cannot be required to accept an electronic signature or an electronic record unless both parties have agreed to its use prior to transmission; allows the recipient of an electronic record or an electronic signature to establish his own conditions for acceptance; directs that a state or local governmental entity or agency is not required to accept an electronic record or electronic signature unless the entity or agency has agreed to accept it and unless the manner and medium of transmission is acceptable to the entity or agency; directs that if parties to a private sector transaction agree, or, in dealings with a state or local governmental entity or agency, if that entity or agency agrees to accept an electronic signature or electronic record, the following apply: (1)

information, records, and electronic signatures shall not be denied legal effect, validity, or enforceability solely on the grounds that they are in electronic, duplicate, or imaged form, (2) where a statute or administrative regulation requires a manual signature, an electronic signature shall have the same force and effect as a manual signature, (3) where a statute or administrative regulation requires information to be "written" or "in writing," an electronic record shall satisfy that requirement, (4) where a statute or administrative regulation requires information to be presented or retained in its original form, an electronic record shall satisfy that requirement if there exists reliable assurance as to the integrity of the data or information from when it was first generated to its final form; amends KRS 61.950 to allow the Kentucky Information Resources Management Commission to promulgate administrative regulations establishing electronic signature standards for the executive branch of state government.

HB 714

AN ACT relating to the Education Professional Standards Board.

Amends KRS 160.380 to require a national as well as a state criminal history check on all certified employees; requires a state criminal history check on all classified and certified personnel employed in local school districts; amends KRS 161.027 to define assessment standards generically; permits a principal applicant who has not completed the internship to have a one-time renewal of the applicant's certificate of eligibility upon completion of a minimum of six (6) graduate hours; amends KRS 161.028 to identify methods of discipline, including probation and written reprimands that may be used by the Education Professional Standards Board; deletes outdated information; requires that the Education Professional Standards Board advise the commissioner of education on budgetary matters; permits the Education Professional Standards Board to waive a requirement of an administrative regulation promulgated by the board when sufficient need is documented; amends KRS 161.030 to make technical corrections; clarifies that certificates shall be issued upon written application and in accordance with statutes and regulations in effect at the time of the application; requires that certification of all new teachers and teachers seeking additional certification shall require the successful completion of appropriate assessments; deletes the requirement that the president of the teacher training institute appoint the teacher evaluator on a beginning teacher committee; prioritizes persons to serve as resource teachers in the following order: teachers with the same certification in the same school, teachers with the same certification in the same district, teachers in the same school, teacher in the same district, and teachers in an adjacent school district; amends KRS 161.120 to include additional disciplinary measures that can be taken by the Education Professional Standards Board including written reprimands and probation against superintendents, principals, teachers, substitute teachers, interns, supervisors, directors of pupil personnel and other administrative, supervisory, or instructional employees; describes actions that warrant disciplinary actions including: being convicted of a felony, misdemeanor under KRS Chapters 508 through 510, 522, 525, 529 through 531; a misdemeanor involving a student or minor; having sexual contact as defined in KRS 510.010(7); committing any act which constitutes fraudulent, corrupt, dishonest, or immoral conduct; demonstrating willful or careless disregard for the health and welfare of others; physical or mental incapacity; possessing, using or being under the influence of alcohol or drugs; incompetency or neglect of duty; making false or misleading statements or concealing facts in obtaining or renewing a certificate; failing to comply with an order of the Education Professional Standards Board; violating any state statute or

administrative regulation relating to schools or the teaching profession; or receiving disciplinary action or having the issuance of a certificate denied or restricted by another jurisdiction; clarifies reporting requirements for the superintendent; provides for a hearing by the board; makes technical changes to conform; and repeals KRS 161.040 relating to professional and personal character and fitness; and provides that the Education Professional Standards Board or its chair may take emergency action pursuant to KRS 13B.124 and that emergency action shall not affect a certificateholder's contract or tenure rights in the school district.

HB 716

AN ACT relating to the building construction industry.

Amends KRS 18b.130 to require that any action for damages for faulty construction be brought in 1 year and no later than 10 years as prescribed and confirms common law liability and other statutory responsibilities of the contractor.

HB 717

AN ACT relating to the Department of Fish and Wildlife Resources.

Amends and creates various sections of KRS Chapters 150 and 235, relating to fish and wildlife resources and to boating, to prohibit a person whose privilege to hunt or fish has been suspended or revoked by any jurisdiction within the United States or Canada from performing those acts in Kentucky during the period of suspension or revocation; states that the department shall, through administrative regulation, prescribe reasonable fees for the licenses, permits, and registrations authorized by KRS Chapters 150 and 235, and removes the lower and upper limits for those fees; declares that a person who collects fees for the department's licenses and permits acts in a fiduciary capacity for the Commonwealth and requires all moneys collected from sales, except agent fees, to be held in trust for the department; includes Chapter 235 violations under the provisions of KRS 150.090 and the criminal homicide provisions; specifies that a misdemeanor results from conviction rather than violation; creates a new section of KRS Chapter 235 relating to boating to require sixty percent of a fine imposed for the violation of the chapter or KRS Chapter 150 to go to the game and fish fund; amends KRS 235.080 to allow annual registration fees for motor boats to be set by the department by administrative regulation; amends KRS 235.220 to require a boat manufacturer or dealer who registers with the cabinet to pay an annual registration fee set by the department by administrative regulation; amends KRS 411.190 relating to obligations of an owner of land, to exempt from the definition of "charge", fees for general use permits issued by a government agency for access to public lands, provided the permits are valid for a period of not less than thirty days.

HB 724

AN ACT relating to careers system and declaring an emergency.

Creates new sections of KRS Chapter 158 to establish a School to Careers system as the overall system for career related programs in the public school such as School-to-Work, Tech Prep, and High Schools That Work; establishes the goals for the School to Careers program including to: increase the math, science, communications, social studies, and technical skills of all students, the awareness of job and career availability in the future workforce and the skills required, the postsecondary education entry and completion rates and

to decrease high school dropout rates, and poor attendance; establishes a state grant program to provide matching funds to school districts or consortia of school districts to assist in the development and implementation of comprehensive School to Careers plans; requires the Kentucky Board of Education to promulgate regulations for the grant program and distribution of funds; establishes a statewide advisory group relating to the School to Careers system including representatives from business, labor, education agencies, parents, students, teachers, administrators, and community organizations; amends KRS 151B. 250 and KRS 151B.255 to require the School to Work Office to coordinate its activities with the Department of Education; EMERGENCY.

HB 727

AN ACT relating to state employees.

Amends various sections of KRS Chapter 18A to define terms including "classified employee," "classified position," "full time position," "interim position," "interim employee," and "part time position"; replaces emergency, provisional, seasonal, temporary, and federally-funded time limited employment with interim employment; specifies that "full-time position" and "part-time position" do not include interim positions; specifies that "full-time position" does include positions in state parks which may be assigned twenty-five (25) hours per week during the off seasons and positions in health care facilities which regularly require three (3) consecutive twelve (12) hour shifts of weekend duty; requires personnel regulations to provide for public announcement of examinations and acceptance of employment applications for classified positions at least 10 days prior to certification of a register; requires regulations to provide for employee mobility without written examination; amends KRS 36.040 to direct the Adjutant General to hire, discharge, and pay personnel deemed necessary to fulfill defense contracts without regard to KRS Chapter 18A; provides for expiration of federally funded time limited positions in effect July 1, 1998 on the earlier of the conclusion of the grant or the project; requires conversion to full-time status of employees serving in part time positions of 100 hours or more per month as of the effective date of this Act; provides that seasonal positions of less than nine (9) months and temporary positions in effect as of July 1, 1998 expire upon their normal expiration date; provides that seasonal employees in positions requiring them to work more than nine (9) months as of the effective date of this Act become full-time employees.

HB 732

AN ACT relating to the Kentucky Personnel Board.

Amends KRS 13B.050 to allow notices of Personnel Board hearings and all Board orders to be served by first-class mail; amends KRS 18A.095 to require an employee that has been penalized to file an appeal within one (1) year from either the date of the penalization or from the date in which the employee reasonably should have known of the penalization.

HB 736

AN ACT relating to parole.

Amends KRS 439.320 relating to membership on the parole board to include two new part-time members who have the same qualifications as full time board members and who can hear and determine parole decisions; amends KRS 439.340 relating to parole to permit victims in Class D felonies to submit comments in person or in writing to the parole board and

specifies that when a closed hearing is requested that the time, date, and location not be published.

HB 739

AN ACT relating to liens.

Creates a new section of KRS Chapter 14 to establish as a division in the Office of the Secretary of State the Kentucky Lien Information System; directs the system to be operational beginning on January 4, 1999; creates a new section of Article 9 of KRS Chapter 355 to require a secured party to file in the Office of Secretary of State a financing statement, or any amendment, assignment, continuation, release, or termination related thereto; provides that filings with the Secretary of State are for information purposes only; permits the Secretary of State to receive a fee of \$1 for the filing; provides filing exception for certain collateral, accounts, and fixture filings; amends KRS 355.9-105 to define "identification number" and "system"; amends KRS 355.9-402, 355.9-403, 355.9-404, 355.9-405, and 355.9-406 to require financing statements, amendments, assignments, releases, continuations, and terminations to contain the identification number of the debtor; amends KRS 355.2A-103 to conform.

HB 740

AN ACT relating to license plates.

Creates a new section of KRS Chapter 186 to establish special license plates for the Kentucky Horse Council; establishes initial fee of \$10 and renewal fee of \$5 to be paid to the Council for promoting development and awareness.

HB 742

AN ACT relating to workers' compensation.

Amends KRS 342.803 to recognize KEMI as a corporate structure of state government; amends KRS 342.807 to revise the membership of the KEMI board of directors as follows: eliminate the Commissioner of the Department of Insurance; delete specific qualifications of members and replace with at-large members; add Secretary of Public Protection and Regulation to the board and make cabinet secretaries voting members; amends KRS 342.811, 342.813, and 342.823 to require KEMI's board of directors to hire an internal auditor; clarifies duties of the manager; requires the board employ a firm to conduct internal review or performance audit; clarifies duties of the board relating to contracts, audits, personnel policy, and reporting requirements; amends KRS 342.841 to clarify application of laws on open records and open meetings to KEMI; amends KRS 342.843 to delete "continuously monitor" relating to oversight, clarify responsibility of the Auditor and Attorney General, and clarify subpoena power and access to records.

HB 746

AN ACT relating to commercial drivers licenses.

Creates a new section of KRS Chapter 281A, relating to commercial drivers licenses, to establish minimum fines for persons with a commercial driver's license that are convicted of being DUI; requires the fines to be in addition to other penalties already established under KRS Chapter 281A.

HB 753

AN ACT relating to retirement.

Amends KRS 21.405 relating to judicial retirement, to provide for an annual cost of living allowance not to exceed five percent, to retroactive to any Justice or Judge who retired on or after July 1, 1996.

HB 754

AN ACT relating to the judiciary.

Amends KRS 21A.110 relating to retired justices and judges serving as special judges to increase the salary to a minimum of \$150 per day.

HB 756

AN ACT relating to child care assistance account.

Amends KRS 186.040 to permit \$1 donation to child care assistance account to be collected by county clerk when obtaining motor vehicle registration instead of collection by circuit clerk when obtaining a new or renewal driver's license; retains provisions requiring the Cabinet for Human Resources to use funds collected for working families whose incomes exceed eligibility guidelines for child care assistance programs; funds to be administered by agencies that administer child care subsidy funds.

HB 757

AN ACT relating to alcoholic beverages.

Requires that review of the ordinances established by the governing body of a city of the second class with a limited sale precinct be limited to a determination as to whether the ordinances exceed the sale limits established by statute or administrative regulation; permits the governing body that limits the number of package and drink licenses per precinct to three and four licenses respectively, to do so without department review; adds new section of KRS 242 to permit a precinct located in wet territory that is a third class city to hold an election for prohibition.

HB 765

AN ACT relating to oil and gas recovery enhancement.

Creates a new section of KRS Chapter 137 to define "recovered inactive well"; provides for a tax credit equal to 4.5% of gross value of oil that is produced from a recovered inactive well; creates a new section of KRS Chapter 143A to define "recovered inactive well"; provides for a tax credit equal to 4.5% of market value of natural gas that is produced from a recovered inactive well; creates a new section of KRS Chapter 353 to provide that any person may investigate an abandoned well and provides for procedures; amends KRS 353.570 to conform.

HB 769

AN ACT relating to agricultural marketing.

Amends KRS 260.020 to change the name of the Office of Agri-Markets to the Office for Agricultural Marketing and Product Promotion, to conform to the current organizational structure of the Department of Agriculture; amends KRS 260.030 to revise the duties of the Office for Agricultural Marketing and Product Promotion.

HB 771

AN ACT relating to small and farm wineries.

Amends KRS 243.155 and 243.156 to permit licensed small and farm wineries to sell wine by the drink or package on premises, at off-premise retail sites, and at fairs, festivals, or other similar events; permits small and farm wineries to get restaurant wine licenses and retail malt beverage licenses when associated with ancillary business enterprises to promote economic development and tourism.

HB 776

AN ACT relating to ferrets.

Amends KRS 150.355, relating to ferrets, to exempt domesticated ferrets from licensing requirements.

HB 779

AN ACT relating to education.

Requires Kentucky Board of Education members to have at least an associate degree or its equivalent, as opposed to a bachelor's degree; adds a classified employee to the superintendent's screening committee.

HB 780

AN ACT relating to small business.

Establishes a Subcommittee on Small Business Regulation in the Interim Joint Committee on Economic Development and Tourism to study regulations that may be burdensome to small business; report to the Committee no later than August 31, 1999.

HB 782

AN ACT relating to deaf and hard of hearing students.

Amends KRS 164.478 replacing "public institutions of higher education" with "postsecondary institutions" and makes title amendment.

HB 783

AN ACT changing the classification of the City of Simpsonville, in Shelby County.

Reclassifies the City of Simpsonville, population 1042, in Shelby County, from a city of the sixth class to a city of the fifth class.

HB 785

AN ACT relating to the medical assistance program.

Amends KRS 205.640 to change the MAIT fund balances from \$81 million dollars to \$93 million dollars in FY '98 and from \$86 million dollars to \$94 million dollars in each year of the biennium for FY '99-2000; increases the eligibility for Medicaid beneficiaries who would be eligible for covered services in a hospital setting; from 100% of poverty level to 150% of the federal poverty level; allows individual hospitals to receive distributions from the MAIT fund for indigent care; requires that the Department for Medicaid Services reimburse hospital's at the hospital's Medicaid rate, which means the cost of providing indigent care services is determined by applying each hospital's cost to charge ratio to allowable indigent

charges and requires that the Department for Medicaid Services calculate the cost to charge ratio for each hospital by dividing the hospital's total allowable operating expenses by the hospital's gross patient charges; creates a new section of KRS 205 to outline an enhanced Medicaid payment for county owned or operated hospitals, using cost reports and implementing an intergovernmental transfer program for county owned or operated hospitals; allows for other hospital shortfalls to be reimbursed from any surplus from the MAIT fund; requires the cabinet to promulgate administrative regulations to implement these provisions; changes the dates when the Department for Medicaid Services calculates the payment due from April 1 to June 1 of each year to now be from July 1 to August 1; requires that the cost reports from hospitals be filed as of June 30 of each year instead of April 1; requires that payments to hospitals be made no later than August 15; requires that all enhanced payments be based on cost reports filed on June 30 of each year and that any intergovernmental transfer made to the enhanced Medicaid payment fund be made by August 2 of each fiscal year; requires that when disbursing funds to provide disproportionate share hospital payments to qualified hospitals, funds shall first be proportionately reduced for all hospitals with over 200 beds, if the total amount still exceeds funds available, then hospitals with fewer than 200 beds shall be proportionately reduced; amends to limit the rate of Medicaid payment to hospitals with less than 200 licensed acute care beds; requires that subsection (1) not be implemented as part of the disproportionate share hospital program or if federal financial participation is not available; establishes a Medicaid Managed Care Oversight Advisory Committee, comprised of 5 Senate members appointed by the Senate President and 5 House of Representatives members appointed by the Speaker of the House; directs that the Committee meet at least four times annually and provide oversight on the implementation of Medicaid Managed Care within the Commonwealth, including access to services, utilization of services, quality of services, and cost containment.

HB 786

AN ACT relating to insurance.

Creates a new section of Subtitle 37 of KRS Chapter 304 to define "interested person", "intermediate holding company", "Majority of the voting share of the capital stock of the reorganized insurance company", "mutual insurance holding company", "plan of reorganization", and "stock offering"; creates a new section of Subtitle 37 of KRS Chapter 304 to set forth that a domestic mutual insurance company, with the commissioner's approval may reorganize by forming an insurance holding company after a public hearing before the commissioner who may require a plan of reorganization, to establish that all of the initial shares of the capital stock of the reorganized company be issued to the mutual holding company, that membership interest of policyholders of a reorganized company be transferred to membership interest in the mutual, that the mutual own a majority of the voting shares of the capital stock of the reorganized company, and to establish the process of reorganization of a domestic mutual insurance company by merger; creates a new section of Subtitle 37 of KRS Chapter 304 to establish that a foreign mutual insurance company or a foreign nonprofit health service corporation may reorganize upon the approval of the commissioner and in compliance with the law by merging its policyholders' or subscribers' membership interest into a mutual insurance holding company and continuing the corporate existence of the reorganized foreign mutual insurance company or reorganizing foreign health service corporation as a foreign stock company subsidiary of the mutual, to require a public hearing, and to allow

redomestication; creates a new section of Subtitle 37 of KRS Chapter 304 to set forth that a mutual holding company resulting from the reorganization of a domestic mutual is to be incorporated under KRS Chapter 271 B, with articles of incorporation or amended articles subject to approval of the commissioner and the Attorney General; creates a new section of Subtitle 37 of KRS Chapter 304 to establish that a mutual insurance holding company is deemed to be an insurer subject to Subtitle 33 of KRS Chapter 304 and will automatically be a party to any proceeding thereunder, to set forth that assets of the mutual are deemed to be assets of the estate of the reorganized company for the purpose of satisfying claims of policyholders, and to prohibit a mutual from dissolving or liquidating without the approval of the commissioner; creates a new section of Subtitle 37 of KRS Chapter 304 to set forth that KRS 304.24-380 does not apply to reorganization or merger and that KRS 304.24-380 does apply to demutualization of a mutual insurance holding company; creates a new section of Subtitle 37 of KRS Chapter 304 to establish that a membership interest in a domestic mutual insurance holding company does not constitute a security; creates a new section of Subtitle 37 of KRS Chapter 304 to set forth that the majority of the voting share of the capital stock of the reorganized company are not transferable, assignable, pledgable or able to be a security interest or lien or encumbered, and to establish that any conveyance in the majority of the voting share of the capital stock of the reorganized company will be deemed void in inverse chronological order of the date of the conveyance; creates a new section of Subtitle 37 of KRS Chapter 304 to require that each mutual file an annual statement with the department by March 1, with specific information, to establish that the aggregate pledges and encumbrances of a mutual's assets should not affect more than 49% of the company's stock, and that at least 50% of the net worth is to be invested in insurance company subsidiaries; creates a new section of Subtitle 37 of KRS Chapter 304 to prohibit a policyholder who is a member of a mutual insurance holding company from receiving payment of a policy credit, dividend or other distribution unless the payment has been approved by the commissioner after a public hearing; creates a new section of Subtitle 37 of KRS Chapter 304 to set forth that a reorganization or merger insurer must file with the commissioner an application with certain specific information; creates a new section of Subtitle 37 of KRS Chapter 304 to set forth that a reorganizing or merging insurer must file with the commissioner a plan of reorganization with certain specific information; creates a new section of Subtitle 37 of KRS Chapter 304 to establish hearing, and notice requirements, to allow the commissioner to retain experts for assistance, to require the commissioner to submit applications and plans to the Attorney General for examination, written findings, recommendations, such examination findings to be filed no later than 5 days prior to a public hearing and to be part of the record at hearing, to establish that the commissioner will have jurisdiction over mutuals and subsidiaries of mutuals, to establish that the commissioner has the discretion to extend the time for reorganization completion or may revoke approval, and to require notice to commissioner of completion of plan, and within 12 months of notice commissioner to examine the mutual for compliance with the plan; creates a new section of Subtitle 37 of KRS Chapter 304 to prohibit stock offering by a mutual without prior approval of the commissioner through an application and hearing process, to establish the information to be included in every application for approval of a stock offering, to establish the provisions required in every application for approval of a planned stock offering, to allow more than 1 class of stock to be offered and that no class of common stock may possess greater dividend or other rights, to allow the commissioner to hire experts to assist in application review, to allow the commissioner to hold a public hearing regarding

any application for approval of a stock offering, and to clarify that the filing of a registration statement with the Securities and Exchange Commissioner prior to or concurrently with the giving of notice to members will not be inhibited; creates a new section of Subtitle 37 of KRS Chapter 304 to prohibit borrowing of funds to finance the purchase of any portion of a stock offering, to pay commissions or fee, and to prohibit entering into an agreement to transfer stock to another to avoid certain rules; creates a new section of Subtitle 37 of KRS Chapter 304 to prohibit officers, directors, or insiders from owning more than 18% in the aggregate of the voting stock, to limit not interested directors from owning in the aggregate more than 3% of the voting stock, and to prohibit a person from directly or indirectly offering to acquire beneficial ownership of more than 15% of any class of voting securities; and requires mutual insurance holding companies to grant members stock subscription rights in any initial stock offering with certain qualifications for a waiver of this requirement.

HB 789

AN ACT relating to the establishment of the chief information officer for the executive branch of the Commonwealth.

Creates various new sections of KRS Chapter 61 to establish the position of Chief Information Officer for the Commonwealth, appointed by the Governor; requires the officer to serve in the Governor's executive cabinet and report to the secretary of the Governor's Executive Cabinet; establishes duties, roles, and powers; establishes the Office of the Chief Information Officer and attaches it for administrative purposes to the Office of the Governor; establishes its duties and authority; authorizes the office to promulgate necessary administrative regulations; amends various sections to conform.

HB 801

AN ACT relating to establishing Native American Indian Month in Kentucky.

Creates a new section of KRS Chapter 2 to designate the month of November as "Native American Indian Month" in Kentucky.

HB 810

AN ACT relating to public officials.

Creates a new section of KRS Chapter 64 to find the duties of county clerks, county judges/executive, jailers who operate a full service jail, and sheriffs, coextensive with jurisdiction and duties of the Commonwealth and apply their salary limits within the meaning of Section 246 of the Constitution of Kentucky, and apply a salary schedule that will be graduated upon county size, and upon experience of the public officer as well as providing a salary incentive after taking any applicable 40 hour training course; specifies that fiscal court members in counties containing an urban-county form of government are not eligible for the \$100 per 40 hour increase in training set out in Section 1(7); amends various other sections to conform.

HB 813

AN ACT relating to retirement.

Amends KRS 61.702 to allow judicial officers participating in one of the retirement systems administered by the Kentucky Retirement Systems to receive the same hospital and health insurance benefits as judges retiring under the Judicial Retirement Plan and requires the

Administrative Office of the Courts to pay for the increased cost of the health insurance provisions; amends KRS 61.701 to conform.

HB 815

AN ACT relating to the State Advisory Council for Gifted and Talented Education.

Creates a new section of KRS Chapter 158 to establish the State Advisory Council for Gifted and Talented Education composed of nineteen voting members appointed by the Governor representing various interests and three non-voting, ex officio members to serve a three-year term of office; directs the council to make recommendations to the Department of Education, the Kentucky Board of Education, and the Education Professional Standards Board regarding services and programs for gifted and talented students.

HB 853

AN ACT relating to administrative regulations.

Amends KRS 13A.315 to establish a format for agency withdrawal of a deficient administrative regulation pursuant to the Governor's determination; amends KRS 13A.330 to provide that a deficient administrative regulation shall become effective if Governor's determination pursuant to KRS 13A.330 provides that it shall become effective notwithstanding the finding of deficiency; amends KRS 13A.335(4) to provide that a deficient administrative regulation shall not expire if the deficiency was based on an amendment to the administrative regulation, the agency has withdrawn the amendment, and the regulations compiler has not received the Governor's determination pursuant to KRS 13A.330.

HB 864

AN ACT relating to health and welfare.

Creates various new subtitles of KRS Chapter 304 to require health insurance benefit plans to make available and offer coverage for all stages of breast reconstruction surgery following a mastectomy that resulted from breast cancer if the insurer also covers mastectomies, diagnosis and treatment of endometriosis and endometritis if the insurer also covers hysterectomies, and to include coverage for bone density testing for women over age 35 only when indicated by the health care provider; prohibits insurers from offering coverage for mastectomies that requires performance of the procedure on an outpatient basis; amends KRS 216.2920 to add and define the terms "facility" and "health care provider"; amends KRS 216.2921 to require the Cabinet for Human Resources collection of specified health data in a timely manner; requires the cabinet to make every effort to make health data findings that can serve as a basis to educate consumers and providers to improve patient morbidity and mortality outcomes; amends KRS 216.2923 to require the appointment and convening of the permanent advisory committee on health data no later than 30 days after the effective date of the Act; requires a member of the Kentucky Commission on Women be included on the permanent advisory committee; specifies duties of the permanent advisory committee; amends KRS 216.2925 to require the Cabinet, on a biennial basis, to conduct a statistical survey that addresses the status of women's health which shall include data on patient age, ethnicity, geographic region and payor sources; permits the Cabinet for Human Resources to issue administrative regulations to provide penalties for noncompliance with certain health data collection requirements; creates a new section of KRS Chapter 194 to require creation of an Office of Women's Health by the year 2000; sets forth duties of the office; creates a new

section of KRS Chapter 205 to allow public assistance recipients convicted of a drug felony after August 22, 1996, to remain eligible for program benefits if assessed as chemically dependent and participating in or successfully completed a chemical dependency treatment program or is pregnant; amends KRS 314.142 to revise the membership of the Sexual Assault Nurse Examiner Advisory Council to add the commissioner of the Department for Social Services instead of the Secretary of the Cabinet for Human Resources, the Executive Director of the Governor's Office of Child Abuse and Domestic Violence Services, the Kentucky Association of Sexual Assault Programs instead of the Statewide Association of Rape Crisis Centers, the Commissioner of the Kentucky State Police, and the chair of the Kentucky Association of Baccalaureate and Higher Degree Nursing Programs instead of the chair of the Council on Postsecondary Education; requires one Advisory Council member be a physician with forensic experience appointed by the Governor from a list of three names recommended by the Kentucky Medical Association; directs that any person holding a credential as a Sexual Assault Nurse Examiner as defined in KRS 314.011(14) have the right to use the title "Sexual Assault Nurse Examiner" and the abbreviation "SANE"; prohibits any other person from assuming the title or using the abbreviation.

HB 880

AN ACT relating to escheats.

Creates a new section of KRS Chapter 393 to provide that workers' compensation special fund assessment refunds will escheat to the Workers' Compensation Funding Commission rather than to the state; requires the Kentucky Workers' Compensation Funding Commission to make a determination that a carrier has made a reasonable attempt to make a refund; and bar future claims for unclaimed refunds against the Commission and any carrier that complies with the Act.

HB 900

AN ACT relating to students.

Amends KRS 159.010 to remove the 60 days notice prior to the withdrawal from school by a student; requires a counseling session for the student and the student's parents with a school counselor; amends KRS 159.150 to define tardiness for three or more days without a valid excuse as truancy and permits the local board to adopt policies on student compliance with laws and make-up of unexcused absences and to impose sanctions for non-compliance.

HB 911

AN ACT relating to economic development.

Amends KRS 154.22-040 to include counties which exceed 200% of the state unemployment rate for a period of 12 consecutive months to the Rural Economic Development Assistance Program (KREDA).

HOUSE RESOLUTIONS

HJR 2

Directs the Finance and Administration Cabinet to rename the Kentucky Veterans Center to the "Thomson-Hood Veterans Center" in honor of Lieutenant Colonel George Thomson and Mrs. Beatrice Hood.

HCR 7

Confirms the appointment of LaVerne M. Waldrop to the Governor's Postsecondary Education Nominating Committee to a term ending April 14, 2002.

HCR 8

Confirms the appointment of Lee T. Todd, Jr. to the Council on Postsecondary Education with the term to end on December 31, 2002.

HCR 9

Confirms the Governor's appointment of Linda Waggener to the Kentucky Long-Term Policy Research Center Board.

HCR 10

Confirms the Governor's appointment of Dr. Penny M. Miller to the Kentucky Long-Term Policy Research Center Board.

HCR 11

Confirms the appointment of Jennifer Jones to the Governor's Postsecondary Education Nominating Committee to the term ending April 14, 1998; EMERGENCY.

HCR 12

Confirms the appointment of Walter A. Baker to the Council on Postsecondary Education with the term to end on December 31, 2001.

HCR 14

Directs the Tobacco Task Force to study the development of a strategy for the state to enter into a tobacco price support program with other tobacco producing states.

HCR 15

Confirms the appointment of Morton J. Holbrook, Jr., to the Council on Postsecondary Education with the term to expire April 14, 2002.

HCR 16

Confirms appointment of Alcie Ann Combs as at-large member of the Kentucky Board of Education for a term expiring April 14, 2002.

HCR 17

Confirms the appointment of Martha Dell Sanders to the Kentucky Board of Education for a term expiring April 14, 2000.

HCR 18

Confirms the appointment of Dr. Samuel Robinson as an at-large member of the Kentucky Board of Education for a term to expire April 14, 2002.

HCR 20

Confirms the appointment of Jeffrey C. Mando as at-large member of the Kentucky Board of Education for a term expiring April 14, 2000.

HCR 21

Confirms the appointment of Leonard V. Hardin to the Council on Postsecondary Education for a term ending December 31, 1999.

HCR 22

Confirms the appointment of Marlene M. Helm to the Council on Postsecondary Education for a term ending December 21, 2000.

HCR 23

Confirms the appointment of Ronald Greenberg to the Council on Postsecondary Education for a term ending December 31, 2001.

HCR 24

Confirms the appointment of Shirley Ann Menendez to the Council on Postsecondary Education for a term ending December 31, 2001.

HCR 25

Confirms the appointment of Marcia Milby Ridings to the Council on Postsecondary Education for a term ending December 31, 1999.

HCR 26

Confirms the appointment of Peggy M. Bertelsman to the Council on Postsecondary Education for a term ending December 31, 2002.

HCR 27

Confirms the appointment of Charles Whitehead to the Council on Postsecondary Education for a term ending December 31, 1998.

HCR 28

Confirms the appointment of Steve Barger to the Council on Postsecondary Education for a term expiring December 31, 1998.

HCR 29

Confirms the appointment of Norma B. Adams to the Council on Postsecondary Education for a term expiring December 31, 2003.

HCR 30

Confirms the appointment of Lois Combs Weinberg to the Council on Postsecondary Education for a term expiring December 31, 1998.

HCR 32

Confirms the appointment of Daniel Hall to the Long-Term Policy Research Center Board for a term expiring on October 6, 1999.

HJR 33

Directs the Transportation Cabinet to name KY 1526 between Blue Lick Road and KY 61, also known as the Brooks Extension Road, the "John Harper Road" and to erect appropriate highway signs.

HJR 34

Provides that any mandates, directives, or initiatives in the 1998-00 State/Executive Branch Budget Memorandum shall have the force and effect of law.

HJR 35

Provides that any mandates, directives, or initiatives in the 1998-00 Legislative Branch Budget Memorandum shall have the force and effect of law.

HJR 36

Provides that any mandates, directives, or initiatives in the 1998-00 Judicial Branch Budget Memorandum shall have the force and effect of law.

HCR 41

Confirms the appointment of Phillip Irl Huddleston to the Council on Postsecondary Education for a term ending December 31, 2003.

HCR 45

Confirms the Legislative Research Commission's appointment of Evelyn Boone to the Kentucky Long-Term Policy Research Center Board for a term expiring July 13, 2000.

HCR 46

Confirms the Legislative Research Commission's appointment of June Lyne to the Kentucky Long-Term Policy Research Center Board for a term expiring July 13, 1998.

HJR 53

Names a portion of KY 80 in Floyd County as the Charles A. Gearheart Highway in honor of the founder of the musical group Goose Creek Symphony; requires the Transportation Cabinet to erect appropriate highway signs.

HJR 58

Directs the Transportation Cabinet to name the bridge on KY 40 between Paintsville and Salyersville over State Road Fork, one mile southwest of KY 580, the "Marshall Ealey Bridge".

HCR 59

Directs the Legislative Research Commission to establish a Special Subcommittee for Military and Defense-Related Issues to operate during the 1998-99 interim.

HJR 60

Directs the Department of Insurance to conduct a study of credit life and health insurance; and establishes membership of twelve-member task force to advise the commissioner.

HJR 61

Directs the Transportation Cabinet to name the Morganfield Bypass the "Sam M. McElroy Expressway" and to erect appropriate Highway signs.

HJR 63

Directs the Department of Agriculture to conduct a study of the feasibility of creating regional agricultural marketing centers in the Commonwealth and to report the findings to the Legislative Research Commission by September 1, 1999; appropriates \$20,000 from the general fund to accomplish the study.

HJR 72

Creates the Kentucky Aquaculture Task Force; establishes membership of the task force, with the Speaker of the House, the President of the Senate, the Chair of the Senate Agriculture and Natural Resources Committee, and the Chair of the House Agriculture and Small Business Committee being on the task force; requires that a State Aquaculture Plan be developed by the task force; requires the task force to report to the Governor and to the Legislative Research Commission by September 1, 1999; appropriates \$20,000 from the general fund to accomplish the study.

HJR 75

Directs the Transportation Cabinet to name the bridge on US 460 crossing the Levisa Fork of the Big Sandy River at Millard the "Veterans Memorial Bridge" and to erect appropriate highway signs.

HCR 77

Directs the Legislative Research Commission to establish a special interim study committee to study the feasibility, benefit, and implementation of a strategy for a Rails to Trails Program throughout the Commonwealth of Kentucky.

HJR 89

Establishes the Task Force on Utility Tax Policy to study the taxation of public service companies which supply utility service to citizens of the Commonwealth; provides that the President of the Senate will select six Senate members for the task force; provides that the Speaker of the House will select six House members for the task force; provides that the Governor will appoint six members for the task force; provides that the task force will report its findings to the Legislation Research Commission by December 1, 1999.

HJR 92

Establishes the projects in the 1998 Six Year Road Plan scheduled for work between fiscal years 2001 and 2004.

HCR 94

Directs the Interim Joint Committee on Local Government to study emergency dispatch centers and emergency dispatcher training and certification; requires report by July 1, 1999.

HJR 95

Creates an Electricity Restructuring Task Force, consisting of 10 members from the General Assembly and 10 from the executive branch, to study electricity restructuring and to report findings by November 15, 1999; allows advisory committees to be set up and include private sector members; directs the Legislative Research Commission and Public Service Commission to provide staff and share the cost of consulting fees; appropriates \$150,000 to conduct study.

HCR 97

Recognizes J. Roy Shoffner, the restoration of the P-38, and support of aviator museum.

HJR 98

Names the Hazard By-Pass the "Johnny Cox All-American Drive".

HJR 109

Names the new bridge on US 641 over the East Fork of Clarks River in north Benton the "Coy B. Creason Bridge".

HCR 113

Establishes a Task Force on Information Technology as a subcommittee of the Legislative Research Commission to review current and emerging information technologies that impact both the public and private sectors, review associated issues and application of the technologies, keep the General Assembly informed regarding task force findings, and makes recommendations to the General Assembly for needed legislation; directs that the membership consist of one member of the House of Representatives appointed by the Speaker of the House, one member of the Senate appointed by the President of the Senate, the Chief Information Officer of the Commonwealth, one representative of the judicial branch, one representative each from the Department of Financial Institutions, Finance and Administration Cabinet, Health Services Cabinet and the Department of Education, the six statewide constitutional officers or their designees, the Director of the Long-Term Policy Research Center or his designee, and one representative each, appointed by the Legislative Research Commission, from the American Bankers' Association, Kentucky Hospital Association, the Kentucky Bar Association, and the Kentucky Chamber of Commerce; designates the two General Assembly members as co-chairs; sets forth the duties and responsibilities; requires a

report to the Legislative Research Commission no later than August 1, 1999; estimates staff services to cost \$30,000.

HCR 114

Directs the Legislative Research Commission to conduct a study to determine the best way to educate and protect the elderly citizens of Kentucky from fraud and abuse; directs the Interim Joint Committee on Health and Welfare to undertake a study to determine the most common types of abuse, neglect, and exploitation of the elderly and the most effective approach to education and protection; set forth study objectives; directs the Committee to report its findings and recommendations to the year 2000 Regular Session of the General Assembly instead of directing the staff to report findings and recommendations to the appropriate interim joint committee by July 1, 1999.

HJR 115

Directs the Transportation Cabinet to name the bridge on US 23 over Sookey's Creek in Pike County in honor of Hobert Potter and to erect appropriate highway signs.

HJR 116

Directs the Transportation Cabinet to name the bridge on US 62 over the North Fork of the Licking River in Mason County in memory of Lloyd "Buss" Hitt.

HJR 118

Directs the Transportation Cabinet to name US 23 current route from the Pike County line to the top of Dorton Hill in honor of Marlow Tackett.

HCR 119

Directs the Legislative Research Commission to direct staff to conduct a study of agreements between Kentucky and the Federal government as they pertain to highway signage; includes in the study an examination of current state regulations pertaining to outdoor advertising and official highway signage; requires the study to be completed prior to June 1, 1999, and presented to the Interim Joint Committee on Economic Development and Tourism or its successor.

HJR 121

Proclaims the fourth week of March each year "Commonwealth Cleanup" week; directs the Natural Resources and Environmental Protection Cabinet to support communities that engage in spring cleaning; encourages local governments and private businesses to participate; encourages the Kentucky National Guard to provide logistical support; directs the cabinet to cooperate with the Department of Education to sponsor a poster contest; directs that the cleanup week end with a proclamation of the Governor recognizing successful programs.

HCR 125

Creates a Legislative Research Commission task force to study feasibility and cost of establishing Fishtrap Lake as a state park.

HCR 126

Recognize the Kentucky Public Health Improvement Plan; identifies the ways public health stakeholders can be expected to use the Kentucky Public Health Improvement Plan.

SENATE MEMBERS

(Legislators' names are in alphabetical order with party affiliation designated by initial, home town, counties in district, and number of the legislative district.)

BAILEY, BENNY RAY (D-Hindman) Breathitt, Floyd, Johnson, Knott, 29

BLEVINS, WALTER, JR. (D-West Liberty) Boyd, Elliott, Lawrence, Martin, Morgan, 27

BORDERS, CHARLIE (R-Russell) Carter, Greenup, Lewis, Mason, Robertson, 18

BOSWELL, DAVID E. (D-Owensboro) Daviess, Hancock, 8

BRADLEY, FRED (D-Frankfort) Franklin, Henry, Jefferson, Owen, Shelby, 20

BUFORD, TOM (R-Nicholasville) Anderson, Boyle, Fayette, Jessamine, Mercer, 22

CASEBIER, LINDY (R-Louisville) Bullitt, Jefferson, 7

FREEMAN, GLENN (D-Cumberland) Bell, Harlan, Perry, 17

HARRIS, ERNIE (R-Crestwood) Carroll, Gallatin, Grant, Jefferson, Oldham, Trimble, 26

HERRON, PAUL, JR. (D-Henderson) Crittenden, Henderson, Livingston, Lyon, Union, Webster, 4

JACKSON, ROBERT L. (BOB) (D-Murray) Calloway, Carlisle, Fulton, Graves, Hickman, Trigg, 1

JOHNSON, GARY C. (D-Pikeville) Letcher, Pike, 31

KAFOGLIS, NICK (D-Bowling Green) Logan, Warren, 32

KAREM, DAVID K. (D-Louisville) Jefferson, 35

KELLY, DAN (R-Springfield) Larue, Marion, Nelson, Spencer, Taylor, Washington, 14

LEEPER, ROBERT J. (BOB) (D-Paducah) Ballard, McCracken, Marshall, 2

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